

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1403 SCOMM 52: JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86



Safe And Fear-Free Environment

Box 94 Dillingham, Alaska 99576
(907) 842-2316

December 2, 1985

Laurie Otto
P.O. Box 1672
Bethel, Alaska 99559

Dear Laurie:

Thanks again to all of you for giving us the chance to express our views on the local option laws. We hope this is an issue that will continue to be looked at and discussed.

Ironically enough about a week after you all left we had a homicide here in Dillingham. Word has it the defendant was on a week long drinking binge after a long time of sobriety. Tragic !!!

Hope your efforts in this important area are successful.

Sincerely,

Kathy Linz
Client Services Coordinator

cc: Susie Kaltenbacher
D.A.'s Office

Dec. 11, 1985
Gambell ak
I'm Esther Koonooka
~~I am~~ the mother
of Gerard's three
growing sons.

I'm very concerned
about the growing
of alcohol problems
in Gambell

We need the Local
Option law at
Gambell Alaska

We need the law
that possession of
home brew + ~~into~~

⁻²⁻
selling of it is
illegal.

We need also to
realize the problem
of drugs which ^{now} ~~are~~ ^{DO}
exceed alcohol
problems in this village

If you are going
to realize the
alcohol problem
you need also to
realize the drug
problems.

Because the

⁻³⁻
is no strong
adversary against
drugs; there is no
stopping it.

In our limited
economy we think
that there would be
no problem in
alcohol or drugs, but
it is there.

We, as a whole
community - we,
as a whole, parents
~~are~~ are at fault.
Our turn over

-4-
in City Council
presidents + local
police officers
turnovers are very
high, thus creating
weakness in trying
to solve problems.
Maybe we need a
separate long standing
Special Committee
that will not be
affected by ^{the} out-
come of elections.
We need a strong
interest of handling
alcohol + drugs

-5-
from our community
leaders. We need
also to ^{re}emphasize
"family" - We need to
be more closer in
family ^{association} activities without
TV - TV has a large
impact on our society.
We see violence, sex
alcohol - drugs which
make those things
^{seem} acceptable to
us.
We need counselling
in our community

a counsellor. who
lives in the village
~~there~~ through-out
year - a family +
juvenile, especially
counselor, who
isn't one of our
people but who
is educated or
knowledgeable in
our culture.
We are grateful
to you - that
you came out here
to listen to us, way

7-
out here despite
our remoteness.
Thank you again.

Esther Koonooka
Gamhell Alaska

P.S. I wrote my testimony
out because I
think a lot of people
want to talk.

TESTIMONY

Crime on the Mid-Kuskokwim:
Links to the Red Devil Liquor Store

Submitted to: Patrick Shirrock, Executive Director
Alaska Beverage Control Board
550 W. 7th Avenue
Anchorage, AK 99501

Submitted by: David L. Marshall, President
Marshall & Associates
Box 71
Aniak, AK 99557

David L. Marshall

Submitted on: August 9, 1985

INTRODUCTION

This report is a written version of testimony presented verbally by the author to the Board at its meeting in Sleetmute on August 6, 1985. The data in it are from two studies:

Marshall, David L. 1980. Law Enforcement Incidents: Mid-Kuskokwim, 1979. Kuskokwim Native Association (KNA). Aniak, AK.

Marshall, David L. 1983. Law Enforcement Incidents: Mid-Kuskokwim, 1981-82. KNA. Aniak, AK.

These two studies were funded by the Alaska State Office of Alcohol and Drug Abuse, Department of Health and Social Services, and were undertaken by the author under contract to the KNA Community Counseling Center.

The major source of data for the first study was the reports of the (then) Constable in Aniak. The major source for the second study was the Alaska State Troopers' Reports on file in the Department of Public Safety, Juneau. These sources were supplemented by interviews with the Magistrate in Aniak and with the Judge and District Attorneys in Bethel, and by an examination of court records in Bethel.

The author has lived in Aniak since 1979, and is familiar with all the villages.

1.0 Local/National Comparison

Tables 1.0 and 1.1 show that the local crime rate is higher than the national crime rate, particularly for the most important local categories of crime --those against persons.

Table 1.0 shows that in 1979 the local rate of murders, crimes involving weapons, and assaults was very much higher than the national rate. (And, the local rate is an underestimate for two reasons. First, it is calculated exclusively from reported incidents; unreported incidents are widespread and numerous. Second, the local numbers are for only a six-month period, whereas the corresponding national numbers are for 12 months.)

Table 1.1 shows that in 1981-82 the local rate of sex offenses, other (than aggravated) assaults, and incidents involving weapons were very much higher than the national rate. (The difference in the categories used in the two tables reflects the fact that the Alaska Criminal Code was revised in 1980.)

The data of Tables 1.0 and 1.1 are quantitative evidence of the fact that the villages exhibit high levels of individual and social stress.

Table 1.0 Incidents by Type: mid-Kuskokwim 1979 and U.S. 1978
Rate (#/100 people)

Type	mid-Kuskokwim 1979 6 mos. April-October	U.S. 1978 12 mos.	Factor 1/2
Murder/manslaughter	0.8	0.09	9.0
Burglary	3.9	2.4	1.6
Motor Vehicle Theft	1.6	0.7	2.3
Assault	9.4	2.2	4.3
Weapons	5.5	0.7	7.9
Driving while Intox.	0.8	5.8	0.1
Liquor laws	7.0	1.7	4.1
Disorderly conduct	3.9	3.3	1.2
Runaways	0.8	0.8	1.0

Source: Marshall. 1980

Table 1.1 Incidents by Type: mid-Kusko 1981-82 and U.S. 1981
Rate (#/100 people)

Type	mid-Kusko 1981-82	U.S. 1981	Factor 1/2
Sex offenses	2.7	0.3	9.0
Aggravated assault	0.9	1.3	0.7
Burglary	3.7	2.3	1.6
Larceny	2.7	5.7	0.7
Other assaults	20.0	2.2	9.0
Weapons	2.7	0.8	3.4
Liquor laws	1.8	2.0	0.9
Drug abuse	0.9	2.8	0.3

Source: Marshall, 1983

2.0 Local Crime and Alcohol

Table 2.0 shows that 87% of the incidents in all villages in 1979 were alcohol-related, that the majority were instigated by adult male natives, and that the rates were highest in the three villages closest to Red Devil --Sleetmute, Stony River, Crooked Creek.

Table 2.1 for 1981-82 shows a similar pattern.

In both years Sleetmute had the highest rate of juvenile crime, almost all of it alcohol-related.

(Red Devil itself --the eye of the storm-- is relatively free of trouble. Its one incident in 1979 was a runaway. It had no incidents in 1981-82. This is above all because it is the smallest village, with the smallest native population in both absolute and percentage terms.)

The data of Tables 2.0 and 2.1 are quantitative expressions of the fact that crime hereabouts is almost always alcohol-related, that the rate of crime reflects ease of access to alcohol, that those villages closest to Red Devil have the highest rates, and that social disintegration (as reflected in alcohol-related juvenile crime) was highest in Sleetmute in the periods studied.

Table 2.0 Incidents by Village: mid-Kuskokwim 1979

Village	_#_of incidents	Pop. _#_/100	Rate	% alcohol- related	%instigated by adult male natives	% of pop. nat.	Distance from R.D. miles
Aniak	19	376	5.1	79	48	72	110
Chuathbaluk	2	129	1.6	100	100	95	100
Crooked Cr.	15	115	13.0	100	73	85	50
Kalskag Lr.	4	243	1.6	50	75	96	145
Kalskag Upr.	1	176	0.6	100	100	94	140
Red Devil	1	53	1.9	100	0	30	0
Sleetmute	6	111	5.4	100	0(1)	93	10
Stony River	4	75	5.3	75	75	91	45
Total	52	1,278	4.1	87	58	84	--

(1) 4 non-native (alcohol-related); 2 juvenile (alcohol-related)

Source: Marshall. 1980

Table 2.1 Incidents by Village: mid-Kuskokwim 1981-82

Village	_#_of incidents	Rate _#_/100 people	% alcohol- related	% instigated by adult male natives
Aniak	6	1.6	33	50
Chuathbaluk	1	0.8	100	100
Crooked Creek	7	6.1	71	100
Kalskag Lr.	7	2.9	57	86
Kalskag Upr.	9	5.1	78	89
Red Devil	0	0.0	--	--
Sleetmute	22	19.8	91	50(1)
Stony River	5	6.7	60	60
Total	57	4.4	74	70

(1) 2 non-native (alcohol-related); 9 juvenile (7 alcohol-related)

Source: Marshall. 1983

3.0 Crime Rates by Village, and links to Red Devil

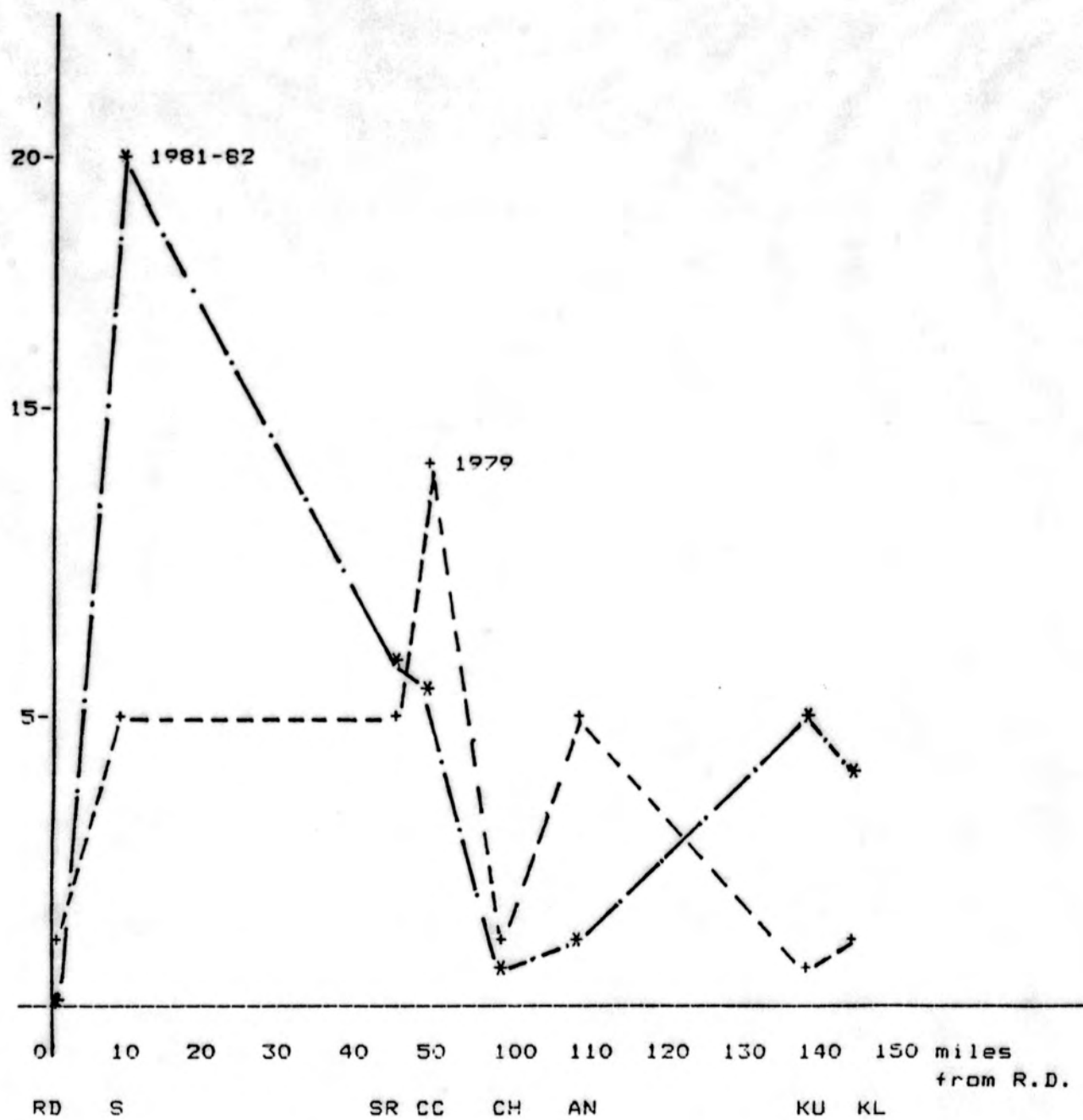
Figure 1.0 plots crime rates by village against distance (of the village) from Red Devil. It has two graphs: one for 1979 based on Table 2.0 and the other for 1981-82 based on Table 2.1.

Both graphs show that the closer a village is to Red Devil the higher its crime rate: Sleetmute, Stony River, and Crooked Creek consistently have the highest rates of all the villages.

The only exceptions to the general rule are Red Devil in both years and Aniak and Crooked Creek in 1979. Red Devil is an exception for the reasons given in Section 2.0. Aniak's rate in 1979 is as high as that in Sleetmute and Stony River. (I believe that this is explained at least in part by Aniak's relatively easy access to alcohol: it is the only village with direct flights from Anchorage, whence alcohol is brought in. It is notable that its high rate in 1979 was made up of incidents 79% of which were alcohol-related, whereas its low rate in 1981-82 was made up of incidents only 33% of which were alcohol-related.) Crooked Creek has a higher rate in 1979 than either Sleetmute or Stony River, although it is further than them from Red Devil. (I believe that this reflects the fact that small numbers of incidents and small populations show up as big changes comparing villages and years.)

I conclude from the visual display of Figure 1.0 that their proximity to Red Devil is a major explanation for the fact that Sleetmute, Stony River, and Crooked Creek have the highest rates of crime.

Figure 1.0 Incident Rate by Village and Distance from Red Devil



4.0 Conclusion

The villages of the mid-Kuskokwim have high rates of crime compared with the U.S. --particularly crimes against persons. This indicates high levels of individual and social stress.

Most of the crime is alcohol-related.

The highest rates of crime are in the villages closest to Red Devil.

Sleetmute --closest to Red Devil-- experienced abnormally high levels of juvenile crime in the periods studied, indicating that social disintegration has gone further there than elsewhere.

The liquor store in Red Devil is the only locally-available source of alcohol. (The other two major sources are infrequent charters from McGrath to the upriver villages, and frequent ESP's from Anchorage to Aniak.)

The store is a major immediate cause of individual and social disintegration in Crooked Creek, Sleetmute, and Stony River.

The study periods happen not to capture the full picture. Since the store was opened in 1955 there have been 85 deaths related to alcohol purchased at Red Devil (Eddie Hoffman, Testimony before the Board in Sleetmute, August 6: numbers provided by Nick Mellick, Jr., Sleetmute). In 1984 there were six deaths in Sleetmute and vicinity, all related to alcohol purchased at Red Devil. On July 28, 1985 four Bethel-area people died in a plane crash in Red Devil after having purchased alcohol in the store. The store's license to sell has become a license to kill.

Six Sleetmute men were jailed in 1984 for crimes related to alcohol purchased at the store. These six and the four Sleetmute residents of the six that died last year constitute 23% of Sleetmute's male population 18 years of age and older: the 1980 Census records 44 males in that bracket.

The liquor store is a time-bomb that explodes periodically, renewed annually by the Alcohol Beverage Control Board. Its effects especially in the upriver villages have in recent years been an epidemic of social disintegration. Although Sleetmute voted to ban the importation of alcohol in 1982, its proximity to Red Devil has caused the ban to fail, despite an initial short-lived improvement.

The continued operation of the liquor store in Red Devil is clearly contrary to the public interest. I respectfully request that the Board revoke the license as soon as possible.

AKIACHAK NATIVE COMMUNITY

COMMUNITY LAW 85- -

RE: ALCOHOL AND DRUG ABUSE

WHEREAS, The alcohol and drug abuse is an on-going problem effecting the family unity and creating unnecessary problems within the Community; and

WHEREAS, The Akiachak IRA Council recognizes the need to adopt a Community Law to minimize the alcohol and drug abuse within the Community.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1. Judicial Authority

The judicial authority of the Akiachak Native Community shall be vested in the Akiachak Tribal Court (hereinafter called the "Court"). In exercising such judicial authority, the Court shall hear all civil and criminal matters arising within its jurisdiction.

Section 2. Applicable Law

- (a) In all cases before the Court, the Court shall apply the law in the following order:
 - (i) the traditional and the customary law of the Akiachak Native Community;
 - (ii) the laws and ordinances of the Akiachak Native Community; and
 - (iii) such federal and state law which may apply.
- (b) Where any doubt arises as to the traditional and customary law of the Akiachak Native Community, the Court may request the advise of Elders familiar with such customs and traditions.
- (c) Where any questions arises as to the application of any state or federal law, the Court may certify such question to the appropriate federal or state court.

- (d) In all cases before the Court, the Court shall give full faith and credit to the laws and judicial Acts of the United States of America and such States which equally extend full faith and credit to similar laws and acts of the Akiachak Native Community.

Section 3. Procedures

For the purposes of enforcement of this Community Law, RE: Alcohol and Drug Abuse, the following procedures are established:

- (a) The Court shall keep a record of all judicial proceedings consisting of:
 - (i) a certified tape recording of each proceeding; and
 - (ii) a certified copy of all orders and written documents entered in connection with such case.
- (b) The Court shall adopt regulations governing the judicial proceedings of the Court, PROVIDED that all acts and decisions of the Court shall comply with the Indian Civil Rights Act (25 USC 1301 et. seq.).
- (c) Any person who is not a member of the Community who violates any village ordinance shall be given a choice of either being prosecuted under tribal law or be held by tribal authorities for State and/or Federal prosecution. A non-member of the Community accused of violating this Community Law shall sign a written statement which indicates that (s)he voluntarily chose to submit to the jurisdiction of the Court, State of Alaska and/or Federal government, as the case may be.

Section 4. Jurisdictional Boundries

The territorial jurisdiction of the Akiachak Tribal Court, in exercising its judicial function, shall extend to and include the Indian Country, ANCSA village corporate lands and all traditional lands of the Akiachak Native Community.

Section 5. Civil Matters

In enforcing any civil laws and decisions and other disputes between persons, the Court may enter an order upon proper findings, which:

- (a) requires restitution to a party,

- (b) requires community work and/or mediation between conflicting parties,
- (c) levies a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00), and/or requires forfeiture of the instrumentality used in the commission of a civil wrong, (i.e. snowmachine, three/four wheeler, airplane, rifle) for a period up to six (6) months,
- (d) decides custody, divorce, adoption, support or other domestic relation matters; or
- (e) awards unrestricted property.

In hearing any civil matter, the Court shall not enter any order requiring incarceration, or revoking any non-tribal license.

Section 6. Criminal Matters

In enforcing any criminal law or traditional criminal prohibition, the Court, may enter an order, upon proper findings, which:

- (a) requires incarceration, not to exceed six (6) months,
- (b) revokes tribal licenses,
- (c) prohibits entry by the convicted person into the jurisdictional boundries of Akiachak Native Community, or
- (d) levies a fine not to exceed FIVE HUNDRED DOLLARS (\$500.00) and/or requires forfeiture of the instrumentality used in the commission of the crime (i.e. snowmachine, three/four wheeler, rifle, airplane) for a period up to six (6) months, and/or contraband involved in a crime.

However, in enforcing any criminal law or traditional criminal prohibition, the Court does not purport to assert criminal jurisdiction over non-Indians within the jurisdictional boundries of the Akiachak Native Community.

Section 7. Enforcement Procedures

For the purposes of this law, the Tribal Peacekeepers, appointed or so designated by the Court, shall serve to execute any civil or criminal orders issued by the Court upon proper findings.

In the event there is a violation of any civil or criminal law enacted by the Court, which violates either federal or state laws, the Chief Judge of the Akiachak Tribal Court is hereby authorized to request federal or state enforcement of the applicable law.

Section 8. Evidence

In all cases before the Court in its judicial authority capacity, the Court shall hear all evidence it finds proper. In all cases, hearsay evidence given under oath shall be proper evidence.

Section 9. Tribal-State Agreements

The Council shall have the power to enter into any agreement with State and/or Federal authorities providing for the exercise of its judicial functions.

Section 10. Code

This law shall be known as the Alcohol and Drug Abuse Code.

ORDAINED AND ENACTED BY THE AKIACHAK IRA COUNCIL THIS
_____ DAY OF _____, 1985.

ATTEST:

Chairman

Secretary

DATE INTRODUCED: _____

Council Hearing Date: _____

Vote: _____ for _____ against

Action: _____

CONSTITUTION AND BY-LAWS OF THE AKIACHAK NATIVE COMMUNITY

PREAMBLE

We, a group of Eskimos having the common bond of living together in Akiachak, Territory of Alaska, in order to have better life and greater security, make for ourselves this Constitution and By-laws, by authority of the act of Congress of June 18, 1934 (48 Stat. 984), as amended by the acts of June 15, 1935 (49 Stat. 378), and May 1, 1936 (49 Stat. 1250).

ARTICLE I—NAME

This organization shall be called the "Akiachak Native Community".

ARTICLE II—MEMBERSHIP

SECTION 1. *First Members.*—All persons whose names are on the list of native residents, made according to the Instructions of the Secretary of the Interior for organization in Alaska, shall be members of the Community.

SEC. 2. *Children of Members.*—All children of any members shall be members of the Community.

SEC. 3. *Loss of Membership.*—Any member may willingly give up his membership, or his membership may be taken away for good reason by the Community, or if he moves away from the Community intending not to return, he shall lose his membership.

SEC. 4. *New Membership.*—Any person who has lost his membership and any other native person may be made a member if he sets up a home in the Community.

SEC. 5. *Membership Rules.*—The Community may make rules to govern membership, either for the purpose of carrying out this Article or covering membership matters not taken care of in this Article.

ARTICLE III—GOVERNING BODY

SECTION 1. *Choice of Governing Body.*—At a general meeting following the acceptance of this Constitution, the Community membership shall decide what kind of governing body it wishes to set up to speak and act for the Community and to use the powers of the Community.

If there is a governing body already set up in the Community at the time this Constitution is accepted, the membership may decide to keep that governing body, or it may choose a new form of government.

SEC. 2. Choice of Officers.—The Community shall at the same time decide how members and officers of the governing body shall be chosen and how long they shall serve. The Community shall then choose the members to serve on the governing body and such officers as may be thought necessary.

SEC. 3. Meetings of Membership and Governing Body.—The Community shall decide when and how often there should be meetings of the whole Community membership as well as of the governing body; also it shall decide what notice shall be given for the calling of meetings and how many members must be present at such meetings in order to do business; and it may make any other rules necessary for the holding of meetings. A general meeting of the whole membership shall be held at least once a year.

SEC. 4. Record and Report of Community Decisions.—A record shall be made and kept of all the rules made under sections 1, 2, and 3 of this Article, which record shall be called the Record of Organization of the Native Community of Akiachak. Copies of this record shall be given to the teacher or other representative of the Bureau of Indian Affairs serving the Community. There shall be put in the record the names of all persons chosen to be officers of the Community.

ARTICLE IV—POWERS OF THE COMMUNITY

SECTION 1. Powers Held.—The Community shall have the following powers:

To do all things for the common good which it has done or has had the right to do in the past and which are not against Federal law and such Territorial law as may apply.

To deal with the Federal and Territorial Governments on matters which interest the Community, to stop any giving or taking away of Community lands or other property without its consent, and to get legal aid, as set forth in the act of June 18, 1934, as amended.

To control the use by members or nonmembers of any reserve set aside by the Federal Government for the Community and to keep order in the reserve.

To guard and to foster native life, arts and possessions and native customs not against law.

SEC. 2. Grants of More Powers.—The Community may have and use such other powers as may be given to it by the Federal or Territorial Government.

SEC. 3. Use of Powers.—The governing body shall put into use such of the powers of the Community as the Community may give to it at general meetings of the membership and shall make reports of its actions to the membership at general meetings.

SEC. 4. Rule-Making Powers.—The Community may make rules which are not against law to carry out the words of this Constitution.

ARTICLE V—RIGHT OF MEMBERS

SECTION 1. Right to vote.—All members of the Community 21 years of age or over shall have the right to vote in Community meetings and elections.

SEC. 2. Right to speak and meet freely.—Members of the Community shall have the right to speak and meet together freely in a peaceable way.

SEC. 3. Right to share in benefits.—Members of the Community shall have equal chance to share in the benefits of the Community.

ARTICLE VI—CHANGES IN THE CONSTITUTION

Changes in this Constitution and By-laws may be made if the changes are approved by the Secretary of the Interior and by majority vote of the Community members voting in an election called by the Secretary of the Interior in which at least 30 percent of the voting membership take part.

BY-LAWS OF THE AKIACHAK NATIVE COMMUNITY

ARTICLE I—OFFICERS AND THEIR DUTIES

SECTION 1. Community records.—The Community or the governing body shall choose one or more members who shall have the duty of keeping records of all actions and decisions of the Community and of the governing body and of giving copies of the records to the representative of the Bureau of Indian Affairs serving the Community.

SEC. 2. Community funds.—The Community or the governing body shall choose one or more members who shall have the duty of caring for the Community funds and keeping records of all funds taken in and paid out and giving copies of the records to the representative of the Bureau of Indian Affairs.

SEC. 3. Officers and agents.—The Community or the governing body may choose as many officers and agents as it may need to carry out its duties and shall state the length of service and the duties of each officer or agent when he is chosen.

ARTICLE II—ADOPTION

This Constitution and By-laws shall be in effect when it is agreed to by a majority vote of the Community members voting in an election called for the purpose by the Secretary of the Interior, provided, that at least 30 percent of the voting membership take part. The persons entitled to vote are all the adult native residents in the Akiachak Native Community.

APPROVAL

This Constitution and By-laws is hereby approved by the Assistant Secretary of the Interior and submitted for acceptance or rejection by the group of Eskimos having a common bond of living together in the Akiachak Native Community, Alaska, in an election called and held under the Instructions of the Secretary of the Interior.

All rules and regulations heretofore promulgated by the Interior Department or by the Bureau of Indian Affairs, so far as they may be incompatible with any of the provisions of the said Constitution and By-laws will be inapplicable to the Community of Akiachak, Territory of Alaska, from and after the date of adoption of this Constitution.

All officers and employees of the Interior Department are ordered to abide by the provisions of the said Constitution and By-laws.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

WASHINGTON, D. C., August 6, 1948.

CERTIFICATION OF ADOPTION

Pursuant to an order, approved August 6, 1948, by the Assistant Secretary of the Interior, the attached Constitution and By-laws was submitted for ratification to the group of Eskimos having a common bond of residence in the Akiachak Native Community, Territory of Alaska, and was on December 3, 1948, duly ratified by a vote of 74 for, and 0 against, in an election in which over 30 percent of those entitled to vote cast their ballots, in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended by the acts of June 15, 1935 (49 Stat. 378) and May 1, 1936 (49 Stat. 1250).

ROBERT WASSILI,
Chairman, Election Board.

JOSEPH LOMACK,
Secretary, Election Board.

JACK G. OSKOLKOFF,
Government Representative.

To: Legislative Committee Chairman, Representative John Binkley

From: Paul Shanley, Regional Social Service Manager
Division of Family & Youth Services, Bethel

Re: Legislative Committee on Local Option Laws

Date: November 20, 1985

I'd like to address the connection between alcohol and child abuse and neglect, suggest that alcohol is a symptom, and finally construct a positive approach to alcohol abuse that falls outside the parameters of the local option laws.

Parental alcoholism impacts the family through generations. We learn how to parent from our experiences as children and the way we were parented. Children of alcoholics are at an increased risk of developing long lasting psychological, emotional and behavioral problems. Their ability to learn is negatively impacted, older children are forced into parenting roles, children's abilities to develop relationships with peers and significant others is impacted. Children of alcoholics have a poor sense of self worth and suffer from low self esteem. These children run a greater risk of developing alcohol problems as adults.

Children residing in alcoholic families are physically abused and neglected. Parents fail to supervise, care for and protect their children. The peril to children raised in neglectful environments is well known. They are at risk in their health, education and safety. Lack of supervision endangers them by exposure to fires, falls, poisons, unsuitable companions and sexual exploitation.

A chaotic life experience leaves serious emotional disturbances.

In the majority of Child Protection Service cases with the DFYS alcohol misuse is a factor. Alcohol abuse is not a suitable excuse for abusive/neglectful parental behaviors. It is one of the multiple factors contributing towards this complex and tragic human conditions.

The Division receives frequent referrals necessitating removal of children from the parental home. Parents are passed out or incapacitated by alcohol. Many referrals require short-term crisis intervention when parents are inebriated and disoriented. Alcohol abuse impacts parents ability to meet the needs of their children, creates demoralizing circumstances for children who are physically and sexually abused, abandoned or witness domestic violence.

I often wonder how many children have been deprived of the opportunity to fully develop their cognitive abilities and suffered health problems due to the use of alcohol by the parent while the child was yet unborn.

The cost of alcohol abuse to children, families, communities and society is tremendous. Alcohol is a precipitating factor for the mistreatment of children but symptomatic of greater social problems.

I have considerable experience in the areas of child abuse and neglect, alcohol abuse and the process of acculturation for Native American people. Working with the traditional cultures of Alaska has impressed upon me the importances of values clarification in providing support services. The rapid acculturation process of Native Alaskans has had a tremendous negative impact. High rates of alcoholism, suicide, child abuse and neglect, domestic violence and death are in part due to the loss of traditional values. Traditional values such sharing, respect for elders, cooperation, maintenance of extended family, charity, the belief that natural resources belong to everyone, have been eroded in the face of such predominant western values as individuality, competitions, achievement, and high regard for material gain. Native Alaskans must be allowed, and encouraged to maintain and rediscover traditional values. I believe human values play a major role in any human change process. Today people from all walks of life are alienated from one another. Shared universal values which link human being to human being are lacking in our society. Helping the individual find values which promote identity and self worth, which lead to a healthier relationship with self and others, as well as the work that surrounds us, is one way to approach the problem of alcohol abuse in this remarkable region.

Concurrent with any new legislation or laws must come preventative services, education and human values and traditional culture, preventative education on alcohol abuse, opportunities for individuals to have positive socio-economic outlets, opportunities and experiences for individuals to develop emotionally, psychologically, spiritually, and feel good about themselves and their place in the surrounding world.

The level of law enforcement is not enough to support current laws banning the sale and importation of alcohol. Can we say that the ban on importation is working? What does American history reflect on this matter? Are we willing as a society to provide funds for jails, rehabilitation, Court and law enforcement personnel. A recent Tundra Drums article, referred to several dozen bootleggers with profits in excess of 200,000 residing in Bethel. It also addressed the difficulty of prosecution. Villages with local options continue to have alcohol abuse problems impacting quality of life for village members. In many villages where the alcohol is not easily accessible there is the use of homebrew. I've addressed alcohol misuse as symptomatic of social problems. I submit treating the symptom won't necessarily eliminate the problem. Society's notion that the alcoholic isn't responsible for his or her actions must change.

Laws are not a substitute for self worth and positive self identity, they are not a substitute for socio-economic outlets that compliment distinct traditional values and culture. Laws cannot promote internalized discipline.

Laws are attempts by a society to impose predominant values and morals. Laws prohibit negative behaviors that society deems undesirable. Careful consideration needs to be given to the kind of society we are really wishing to create. Laws provide negative consequences to behaviors which society find unacceptable. Laws are not discriptive of the values and behaviors society wishes to embody. What are those behaviors? What are those values that we wish to reinforce and how can we support them? This to me is the challenge we must face.

Thank you,

Paul Shanley

Paul Shanley



Trial Courts

State of Alaska

FOURTH JUDICIAL DISTRICT

BETHEL TRIAL COURTS

BOX 130

BETHEL, ALASKA 99559-0130

Craig R. McMahon
Clerk of Court/Magistrate

TELEPHONE: (907) 543-2298
543-2196

10 October 1985

Mr. Mike Andrews, Sr.
Emmonak AK 99587

Dear Mr. Andrews:

I received the report on the autopsy done on Dominic from the doctor, Dr. Rogers, in Anchorage today.

The cause of Dominic's death was overdose of alcohol. His blood alcohol level was .493. This is almost five times the limit at which a person is considered legally intoxicated. His blood also tested positive for cannaboids (the chemical in marijuana). This stays in the blood for a much longer time than alcohol and so no one can say for certain whether that was taken the day he died.

There was no evidence of any foul play involved in the death.

If you have any questions concerning this, please feel free to contact me.

Sincerely,

Craig R. McMahon
Magistrate

PART I OFFENSES

FY 84-85

	A DET.	B DET.	C DET.	D DET.	E DET.	TOTALS
HOMICIDE	1	7	6	8 <i>High</i>	④	26
RAPE	11	54	23	38 <i>High</i>	24	150
ROBBERY	3	13	8	1	10	35
ASSAULT	208	364	293	333 <i>High</i>	260	1,458
BURGLARY	244	718	302	150	385	1,799
LARCENY	557	220	361	78	606	1,822
AUTO THEFT	123	220	109	24	130	606
ARSON	8	9	5	11 <i>Tue for 1st</i>	11	44
TOTALS	1,155	2,474	1,107	643	1,430	5,940

SELECTED PART II OFFENSES AND OTHER CATEGORIES

	A DET.	B DET.	C DET.	D DET.	E DET.	TOTALS
VANDALISM	367	593	265	135	403	1,763
LIQUOR LAWS	74	1	4	26	4	109
WEAPONS	58	24	8	13	13	116
DWI	515	1,260	376	120	726	2,997
SUDDEN DEATH	39	57	55	41	60	252
MVA	756	2,617	643	363	1744	5,796
SAR	94	163	119	188	43	607
TOTALS						

SAR TOTALS - FISCAL YEAR 1984 - 1985

<u>Detachment</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u> <i>Bethel name Kotzesue</i>	<u>E</u>	<u>S/W F&W</u>	<u>TOTALS</u>
# Cases	79	53	113	175	31	5	456
# Searchers	1,596	726	1,615	2,846	1,381	19	8,183
# Man Hours	11,019	4,545	13,291	28,092	23,284	53	80,284
# Aircraft Hours	2,172	3,903	2,822	2,532	4,203	17	15,649
# Vessel Hours	2,293	56	361	7,035	354	12	10,111
Equipment Cost	987	804	4,670	6,504	711	153	13,829
Per Diem/Travel Cost	11,309	2,118	10,300	6,134	3,057	0	32,918
Total Cost SAR	116,433	35,616	251,737	82,402	118,973	521	605,682
Saved/Assisted/Contacted	190	155	319	506	131	14	1,315
Confirm Dead	50	45	81	49	7	0	232
Not Found Dead	35	34	79	23	16	0	187
Medivac	36	55	31	9	1	0	132

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BETHEL AREA VILLAGES

DEATH STATISTICS FOR 1983

CASE NO.	PLACE OF DEATH	DATE	CAUSE OF DEATH	NAME OF VICTIM	DOR	AGE/SEX/ALCOHOL
D83-2000	Toksook River	1-1-83	Hypothermia	Bryson Chong	6-20-59	23 M No
D83-2079	Kipnuk	1-13-83	Hypothermia	James Dock	5-4-49	33 M No
D83-2095	Russian Mission	1-13-83	Natural Causes	Annie Boots	9-5-48	34 F No
D83-2118	Nyac	1-20-83	Airplane Accident	John Bloomquist	1-17-32	51 M No
D83-2118	Nyac	1-20-83	Airplane Accident	Jane Bloomquist	12-18-44	38 F No
D83-2118	Nyac	1-20-83	Airplane Accident	Shawn Lindholm		8 M No
D83-2290	Alakanuk	2-18-83	Fire	Alphonsus Paul	2-17-64	19 M No
D83-2303	Alakanuk	2-19-83	Hypothermia	Justin Ignatius, Jr	1-14-65	18 M No
D83-2434	Bethel	3-7-83	Cocaine Overdose	Michael Allison	7-2-65	17 M Drug
D83-2675	Emmonak	4-4-83	Renal Failure	Martina Hamilton	11-25-12	71 F No
D83-2680	Russian Mission	4-5-83	Alcohol Overdose	John Housler	4-3-75	13 M Yes
D83-2700	Alakanuk	4-6-83	Heart Failure	Monica Augustine		71 F No
D83-2716	Mt. Village	4-12-83	Homicide	Charlie Beans	8-17-64	19 M Yes
D83-2824	Holy Cross	5-8-83	Homicide	Thomas Rushey	8-6-55	27 M Yes
D83-2868	Bethel	5-20-83	Drowning	Albert A. Paul	10-14-59	23 M Yes
D83-2868	Bethel	5-20-83	Drowning/Unrecovered	James T. Nicholai	2-16-57	26 M Yes
D83-2876	Cape Vancouver	6-16-83	Accidental Shooting	Steven Tony	8-8-65	17 M No
D83-3020	Lower Kalskaq	6-26-83	Natural Causes	Nicholai Evan	7-20-07	76 M No
D83-3044	Bethel	6-16-83	Drowning	Nick Macar	7-20-58	25 M Yes
D83-3118	Kongiganak	7-5-83	SID	James Nelson	4-21-83	3 mo M No
D83-3214	Kwiqillingok	7-12-83	Drowning	David Peter	5-7-62	21 M Yes
D83-3237	Quinhagak	7-14-83	3-Wheeler Accident	Peter Evon	3-18-65	18 M Yes
D83-3398	Chevak	7-31-83	Drowning	Peter Imagalria	1-5-54	29 M Yes
D83-3411	Kwethluk	8-1-83	3-Wheeler Accident	Arnold Nicolai	8-18-61	22 M Yes
D83-3713	(OPEN) Pilot Station	8-31-83	Asphyxia	Christopher Gregory	12-25-57	22 M Yes
D83-3781	Russian Mission	9-12-83	Drowning	Scott Birdsall	8-5-55	28 M No
D83-3781	Russian Mission	9-12-83	Drowning	Paul Drury	5-30-61	22 M No
D83-3792	Lower Kalskaq	9-15-83	Natural Causes	Colga Luke	1-1-17	66 F No
D83-3810	Newtok	9-18-83	Sudden Death	John Usugan	10-16-49	34 M No
D83-3910	Shageluk	10-13-83	Fire	Robert Dutchman	7-11-35	48 M Yes
D83-3910	Shageluk	10-13-83	Fire	Matthew Dutchman	6-26-82	1 1/2 M Yes
D83-3966	Newtok	10-23-83	SID	Adrian Nickerson	9-4-83	1 1/2 mo F No
D83-4039	Crooked Creek	11-5-83	Fire	Moses Alexie	1-9-36	47 M No
D83-4045	Platinum	11-8-83	Heart Attack	Adolph Bavilla	4-2-33	50 M No
D83-4059	Hooper Bay	11-8-83	Drowning	Dennis Hale	5-20-77	6 M No
D83-4085	Aniak	11-18-83	Homicide	Mary Kolila	11-11-59	24 F Yes
D83-4114	Aniak	11-18-83	Drowning	Sarah Pletti	12-10-50	33 F No
D83-4164	Lower Kalskaq	12-8-83	SID	Marcia A. Evan	9-26-83	2 1/2 mo F No
D83-4229	Toksook Bay	12-14-83	Drowning/Unrecovered	Edward Dull	3-1-49	34 M Yes
D83-4244	Bethel	12-24-83	Homicide	Theresa Williams	8-17-57	27 F Yes

46 Total Deaths
17 Alcohol Involved
4 Homicides
0 Suicides

DEATH STATISTICS FOR 1984

CASE NO.	PLACE OF DEATH	DATE	CAUSE OF DEATH	NAME OF VICTIM	DOB	AGE/SEX/ALCOHOL
D84-6012	Cheformak	1-5-84	SID	M. Melain Lewis	6-10-83	6mo F No
D84-6023	Akiak	1-2-84	Drowning/Unrecovered	Carl W. Jackson	6-30-33	50 M No
D84-6025	Akiachuk	1-9-84	Drowning/Unrecovered	William G. Long	2-18-40	43 M No
D84-6153	Red Devil	2-4-84	Exposure	Stephen Huber	6-9-54	28 M No
D84-6146	Scammon Bay	2-6-84	Premature Birth	Baby Tuntutmoak	N/A	No
D84-6172	Grayling	1-27-84	Natural Causes	John Deacon, Jr.	5-2-01	83 M No

1984
DEATH STATISTICS

53 Total Deaths
33 Alcohol Related
6 Homicides
2 Suicides

CASE #	Place of Death	Date	Cause of Death	Name of Victim	D.O.B.	Age/Sex/Alcohol
D84-6012	Chefornak	01/05/84	SID Syndrome	Magdelain Lewis	06/10/83	6mo F No
D84-6023	Akiak	01/02/84	Drowning/Unrecovered	Carl W. Jackson	06/30/33	50 M No
D84-6025	Akiachuk	01/09/84	Drowning/Unrecovered	William G. Long	02/18/40	43 M No
D84-6153	Red Devil	02/04/84	Exposure	Stephen Huber	06/09/54	28 M No
D84-6146	Scammon Bay	02/06/84	Premature Birth	Baby Tunutmoak	N/A	No
D84-6172	Grayling	01/27/84	Natural Causes	John Deacon, Jr.	05/02/01	83 M No
D84-6524	Alakanuk	04/06/84	Beating/Murder 2°	Henry Bob	06/01/20	63 M Yes
D84-6702	Aniak	04/22/84	MVA/3-Wheeler	Michael P. Pitka	03/10/60	23 M Yes
84-03224	Sleetmute	05/21/84	A/C - Fatal	John F. Mellick	07/19/60	23 M Yes
84-03224	Sleetmute	05/21/84	A/C - Fatal	Thomas E. Fredericks	12/10/57	26 M Yes
84-02926	Lower Kalskag	05/17/84	Gun/Hunting - Accidental	Andrew John Evan	12/19/61	22 M Unk
84-03992	Mekoryuk	05/26/84	Drowning	Henry Weston	03/13/13	71 M Unk
84-03992	Mekoryuk	05/26/84	Drowning	Ben Whitman	5/22/14	70 M Unk
84-02853	Pilot Station	05/11/84	Shotgun/Murder 2°	Marie J. Heckman	03/02/61	23 F Yes
84-07410	Hooper Bay	06/09/84	Beating Homicide	George Napoleon II	05/31/80	3 M Yes
84-6643	Aniak	06/06/84	Natural Causes	Evan J. Wassillie	04/17/13	73 M No
84-5949	Aniak	06/04/84	Drowning/SAR	Ray R. Peltola	06/05/55	29 M Yes
84-41523	Pilot Station	11/01/84	Natural Causes	Paul Kinzy	10/26/26	58 M No

1984 Death Statistics, Cont.

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84-09981	Sleetmute	06/16/84	Hypothermia	Peter Gregory	01/14/62	22	M	Yes
84-07423	St. Mary's	06/10/84	Firearm/Not suicide	Arthur Olaf Alstrom	08/08/61	22	M	Yes
84-10982	Mt. Village	06/25/84	Fire/Non-arson	Ratus Jones	03/08/10	74	M	Yes
84-10982	Mt. Village	06/25/84	Fire/Non-arson	Ralph S. Kokrine	08/07/80	4	M	Yes
84-10982	Mt. Village	06/25/84	Fire/Non- on	Daisy Kokrine	02/08/74	10	F	Yes
84-13157	Anvik	07/01/84	Drowning/ <i>suicide</i>	William H. Demoski	06/28/58	25	M	Yes
84-15834	Pilot Station	07/12/84	Drowning	Frank Gregory	05/31/58	26	M	Yes
84-15834	Pilot Station	07/12/84	Drowning	George Francis	07/09/56	28	M	Yes
84-17077	Black River Lake	Unknown	Unidentified H/R	Unknown	over 45		F	Unk.
84-17077	Black River Lake	Unknown	Unidentified H/R	Unknown	25 - 35		M	Unk.
84-19067	Sleetmute	07/28/84	Hypothermia	Matfie Andreanoff	12/02/33	50	M	Yes
84-18608	Quinhagak	07/27/84	Drowning/SAR	Paul D. Mark	12/31/58	26	M	Unk
84-18067	Tuntutuliak	06/29/84	Drowning/SAR	Petloska M. Andrew	09/07/54	29	M	Yes/Drugs
84-18056	Emmonak	07/22/84	Drowning/SAR	David Edwards	03/14/53	30	M	Yes
84-21225	Upper Kalskag	08/07/84	Stabbing/Murder 1°	Alec Aloysius, Jr.	07/24/55	29	M	Yes
84-24308	Kusko/Johnson Riv.	08/17/84	Drowning/SAR	Isaiah H. Egoak, Jr.	10/25/53	30	M	Yes
84-24308	Napaskiak to Quin.	08/17/84	Drowning/Sar	Yago K. Clark	08/13/59	25	M	Yes
84-27929	Mt. Village	08/31/84	SID Natural Causes	Suzanne J. Owen	07/06/84	1 mo.	F	No
84-31349	Lime Village	09/07/84	Drowning/SAR	Gusty Michael	08/04/02	82	M	No
84-30784	Quinhagak	09/14/84	Heatstroke	John H. Cleveland	01/01/56	28	M	Yes
84-34648	Emmonak	10/02/84	Fire/Non-arson	Peter Henry	07/07/37	47	M	Yes
84-34055	Alakanuk	09/27/84	<u>Drowning/suicide</u>	Sophie Rob	09/10/33	51	F	Yes

1985 Death Statistics, Cont.

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84-36798	Emmonak	10/10/84	<u>Suicide/Rifle</u>	Lawrence Gregory	05/27/24	60	M	Unk
84-36781	Akiachuk/Holitna	09/11/84	Drowning/V.not found	John Moses Lomack	07/18/35	49	M	Yes
84-36465	Kwethluk	10/10/84	Drowning/V.not found	Wassillie Alexie	01/12/46	38	M	Unk
84-35949	Red Devil	10/06/84	Heart Attack/N.Causes	Joseph T. Morgan, Sr.	01/10/26	58	M	No
84-35577	Russian Mission	10/06/84	Pistol/Accidental	Aaron P. Housler	08/25/76	8	M	No
84-35256	Hooper Bay	10/05/84	SID Syndrome	Lawrence P. Matchian	06/23/83	1	M	No
84-39359	Tununak	10/24/84	SID Syndrome	Felix P. Kanrilak	06/18/84	4 mo.	M	No
84-39042	Tuntutuliak	10/21/84	Beating/Murder 1°	Elizabeth V. Papp	12/14/59	24	F	Yes
84-38790	Holy Cross	10/21/84	Lung Cancer	John Sims, Sr.	09/01/14	70	M	No
84-39548	Chevak	10/03/84	Lung Ailment	Thomas Jones	04/03/11	73	M	No
84-48373	Shageluk	11/30/84	Hypothermia	Bertha N. Dutchman	02/25/22	62	F	Yes
84-45778	Anvik-Grayling	11/19/84	SAR/Body not found	Donald Charlie	10/30/43	41	M	Yes
85-07747	Akiachuk	12/21/84	Natural Causes	Lizzie Lomack	2/4/1899	85	F	No

1985

DEATH STATISTICS

241 Total To Date 11/15/85
 26 Alcohol INVOLVED
 5 Homicides
 9 Suicides

CASE #	Place of Death	Date	Cause of Death	Name of Victim	D.O.B.	Age	Sex	Alcohol
85-08056	Aniak	02/01/85	Aircraft SAR	Harry Stan Taff	01/08/45	40	M	No
85-08324	Hooper Bay	02/03/85	Pneumonia	Clarence Smith Jr.	07/19/73	11	M	No
85-09329	Pilot Station	02/06/85	Alcohol Overdose	Rodney Edward George	08/25/56	28	M	Yes
85-12011	Chevak	02/16/85	Snowmachine Accid.	Billy Ray Nash	09/30/63	21	M	Yes
85-19431	Alakanuk	03/21/85	Suicide/Shotgun	Louis R. Edmund	09/02/62	22	M	No
85-20599	St. Mary's	03/28/85	Motor Vehicle	Isidore S. Afcan	11/13/54	30	M	No
85-23734	Chevak	04/10/85	Suicide/Rifle	Dennis Chayalkun	04/10/64	21	M	Yes
85-26088	Hooper Bay	04/20/85	Homicide/Axe	Leonard Smart	08/01/43	41	M	Yes
85-30447	Alakanuk	05/10/85	Homicide/Gun	Ignatius John Charlie	05/29/64	20	M	No
	Tununak	05/09/85	Natural Causes	Peter Post	09/23/09	77	M	No
85-35754	Sheldon's Point	05/31/85	Accidental Drowning	Peter D. O'Malley	09/24/82	2 1/2	M	No
85-38861	Kwethluk	06/13/85	Natural Causes	Joseph Alexie	12/15/16	69	M	No
85-39044	Tununak	6/13/85	Drowning	John Hooper Jr.	08/24/43	41	M	No
85-39043	Sleetmute	6/13/85	Homicide/Gunshot	Paul Andreanoff	5-4-49	36	M	Yes
8539350	Hooper Bay	6/15/85	SIDS	Fred L. Joseph Jr.	10/17/84	8 mo.	M	No
85-41265	Kotlik	6/22/85	Suicide	Patrick Kameroff Jr.	04/27/69	16	M	Yes
None	Marshall	5/17/85	Natural Causes	Margaret Duny	04/15/43	42	F	No
85-44962	Akiak	7/4/85	Boat Accident	Elsie Ka: Julie	1/26/26	59	F	No

None	McGrath	7/13/85	Natural Causes	Anfusia Ann Miller	5/28/33	52	F	No
85-47661	Sheldon Point	7/14/85	Drowning	Ralph M. Bell	8/14/62	22	M	Yes
85-47660	Eek	7/17/85	Homicide	Pauline Green	10/15/43	42	F	Yes
85-51213	Red Devil	7/29/85	Accident/Airplane	George " " "	01/10/41	44	M	Yes
85-51213	Red Devil	7/29/85	Accident/Airplane	Cherilyn Neck	12/17/63	22	F	Yes
85-51213	Red Devil	7/29/85	Accident/Airplane	William Foster	06/09/65	20	M	Yes
85-51213	Red Devil	7/29/85	Accident/Airplane	Edward Neck	01/25/66	19	M	Yes
85-52293	Kotlik	8/02/85	<u>Suicide</u>	David Odinzoff	09/02/47	37	M	Yes
85-552285	Bethel	6/04/85	Drowning	Peter Petluska	10/06/65	20	M	Yes
85-52958	Mt. Village	08/03/85	MVA/3-Wheeler	Gertrude Queenie	11/17/82	2	F	No
85-54479	Goodnews Bay	08/11/85	<u>Suicide</u>	Mike Galila	07/18/62	23	M	Yes
8555864	Aniak	08/15/85	Drowning	Thomas E. Wasky	10/28/52	32	M	Unknown
85-57051	Tununak	08/20/85	<u>Suicide</u>	Richard Lincoln	03/12/58	27	M	Unknown
85-58299	Bethel/YKCC	08/25/85	<u>Suicide</u>	Wassilie T. Evan	11/29/56	28	M	No
85-59081	Marshall	08/26/85	Natural/Heart Attack	Henry Elia	09/04/07	78	M	No
85-60990	Aniak	08/31/85	MVA/4-Wheeler	Nastasia Sakar	08/10/66	19	F	Yes
85-62286	Aniak	09/08/85	<u>Suicide/Handgun</u>	Thomas James Matis	09/03/54	31	M	Yes
85-62358	Mekoryuk	09/08/85	Homicide	Butler Wesley	10/21/48	36	M	Yes
85-65281	Emmonak	09-19-85	Alcohol poison .49%	Dominic Andrews	09-24-61	23	M	Yes
85-68356	Alakanuk	10-02-85	<u>Suicide</u>	Melvin Tony	07-17-62	23	M	Yes
85-72573	Aniak	10-18-85	Acci/Hypothermia	Sakar B. Sakar	06-26-35	50	M	Yes

85-74906	Chevak	10-20-85	Natural/Chronic Lung	Justina Usugan	03-11-22	63	F	No
85-73219	Alakanuk	10-23-85	SAR/Body not found	Norbert Keyes	06-27-55	30	M	No
85-75649	Quinhagak	11-02-85	Aspiration	William Cleveland	11-04-54	31	M	Yes
85-75308	Bethel	11-01-85	Aircraft Crash	Carlie Akerelrea	04-24-44	41	M	No
85-75308	Bethel	11-01-85	Aircraft Crash	Estelle A. Kirkpatrick-Hannon	10-23-50	35	F	No
85-76246	Atmauthluk	11-06-85	Natural/Heart Attack	Nicholai A. Pavilla	03-07-04	81	M	No
85-76256	Emmonak	11-01-85	Drowning/Death	Yvonne M. Bird	11-15-81	3	F	No
	Nightmute	11-07-85	Acci/Suffocation	Joseph J. Joe	10-03-85	1/12	M	No
85-76512	Nunapitchuk	11-04-85	Drown/Fell thru ice	Jackie Nicholas	08-27-59	26	M	Yes
85-77365	Tuluksak	11-11-85		David Lott Jr.	03-08-85	8/12	M	No



Yukon-Kuskokwim Health Corporation

"Fostering Native Self Determination in Primary Care, Prevention and Health Promotion"

Nov. 20, 1985

Statement of Carl Berger, Health Director,
before the Local Option Committee, Bethel.

I am pleased to have this opportunity to appear before you today to present our concerns on this most important matter, which affects each and every resident of the Y-K Delta. Despite the passage of the Local Option law in many of our communities, alcohol and drug abuse remain well established in the region and a growing problem. Increased usage among the young people is of particular concern. As you may know, there is a single alcohol treatment facility in Bethel with a current waiting list of over two months and an Alcohol/Drug Abuse prevention and education program operated by YKHC, maintaining 12 village-based ^{alcohol} counselors and two Youth advocates



Yukon-Kuskokwim Health Corporation

"Fostering Native Self Determination in Primary Care, Prevention and Health Promotion"

2.

to provide drug and alcoholism prevention services. In a fifty ^{-plus} village area this is not nearly enough manpower to adequately combat the problem. Our staff has additionally enlisted the help of traditional counselors and respected elders to become involved in working to find solutions and to help organize village residents to effective action. Community response and involvement is increasing, but there is a continuing need for education and prevention activities, especially working with the young people—from beginners through high school. My specific suggestions to your committee are to: 1) Take some action to reduce the availability of alcohol in the region by stiffening the penalties for bootlegging, especially for repeat offenders; 2) Recognize ^{The need} and advocate for additional treatment facilities in rural areas



Yukon-Kuskokwim Health Corporation

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3.

of Alaska that are culturally relevant to the needs of local residents; and 3) Recognize and advocate for increased usage of the "Here's Looking At You" curriculum in all school districts in the State. This curriculum was developed several years ago by the Office of Alcohol & Drug Abuse and the Dept. of Education but is not yet widely used throughout the rural areas of Alaska. Results will not be seen overnight, but efforts must be made to work with Youth, allowing them to make informed choices about alcohol and drugs. These are our leaders of tomorrow and they are now being increasingly and adversely affected by alcohol and drugs. Legislation to provide for additional education and prevention efforts in villages will literally save young lives now in jeopardy.

Thank you for giving me this opportunity to



Yukon-Kuskokwim Health Corporation

"Fostering Native Self Determination in Primary Care, Prevention and Health Promotion"

4.

testify before your committee today. Your efforts, on behalf of all Alaskans, are very much needed and will be sincerely appreciated.



Yukon-Kuskokwim Health Corporation

"Fostering Native Self-Determination in Primary Care, Prevention and Health Promotion"

TESTIMONY TO BINKLEY ET AL

BETHEL NOVEMBER 20, 1985

FROM: Laurie Marum, Southwest Regional Training Program
Regional Alcohol and Drug Abuse Program

The following testimony is based on comments made during trainings, workshops and conferences from Dillingham - Bethel - Aniak - McGrath and west (area served by my program).

Village needs:

- for informed legal technical assistance
- ordinance development
- village legal rights vs state/federal rights
- fund raising information and skills
- funding sources and grant application assistance

for more education on alcohol/drugs through village workshops, Bethel/Anchorage workshops/conferences.

\$ to fund the above (requests from elders, village counselors, and alcohol board members.)

for more alcohol boards (proven to increase responsibility and ownership at village level)

for more culturally relevant and appropriate treatment programs in the state

for more training for VPSO's and VPO's

\$ to fund above and for more positions

VPSO/VPO: elect one from another village to pair with local one. educate community on role of VPSO and individual responsibilities relating to alcohol and alcohol behavior

Problems with local option and Bethel's alcohol law:

Misunderstanding at village level of local option law
Too high expectations put on VPSO's
VPSO's have to arrest family and friends - difficult position
Lack of support to VPSO from councils and community members

Bethel's alcohol law: is hard to enforce, creates poor Bethel-village relations, lacks full community support, becomes racial issue, increases the number of bootleggers

- stiffer penalties for bootleggers
- pressure from state to IRS

increases money spent on alcohol and in obtaining it (airfare, gas \$)
Villagers spend alot of time in Bethel or Anchorage using alcohol which affects family/relatives/friends and often they are not receiving the help they need. See resolution to AVCP.

Passed resolution

AVCP
Association of Village Council Presidents
Pouch 219 Bethel, Alaska 99559
(907) 543-3521

Twenty-First Annual Convention
Resolution 85-10-29

- WHEREAS, The Association of Village Council Presidents (AVCP) is the Regional Tribal organization and non-profit Alaska Native Regional corporation for the 56 member communities of the Yukon and Kuskokwim Delta Region of Western Alaska; and,
- WHEREAS, the AVCP Full Board recognizes the importance of the work carried on by the AVCP organization and its obligation to assist member villages in their social and economic concerns as well as having its support in each member village's endeavors; and,
- WHEREAS, alcohol is abused by villagers who travel to Bethel, causing pressure, stress and worry to their relatives or friends who live here; and
- WHEREAS, Many village people have a problem with alcohol, yet no one helps the person because they travel to Bethel to drink and are sober when they are at home in their village; and
- WHEREAS, Education and Prevention techniques are the best methods to help those who are in need - both the alcohol abuser and the relatives and friends in Bethel where he stays; and
- WHEREAS, there is a need for such education to be given to villagers on their responsibilities while they are away from their villages and to the host families or relatives in Bethel on setting house rules for visitors and enforcing them when necessary; and
- WHEREAS, There is a need to establish a contact person in each village, preferably from the local alcohol advisory board or a village elder, so that villagers abusing alcohol outside the village may be referred for counselling or to receive other help while he is at home; and
- NOW THEREFORE BE IT RESOLVED THAT AVCP, YKHC and PATC work together to provide this education and assistance to village and Bethel residents; and
- BE IT FURTHER RESOLVED that both village councils and local volunteers, naming write with their concerns and to provide prompt and on-going help to any persons needing it when they return to the village.

CERTIFICATION:

Adopted this 12th day of October, 1985, by action of delegates of the

AVCP 1985 Annual Convention.

s/ Harry O. Wilde
Harry O. Wilde, Chairman

s/ Gene Peltola
Gene Peltola, President

Initial

RESOLUTION : TO BE PRESENTED BEFORE THE AVCP CONVENTION.
developed by village alcohol counselors

- WHEREAS Alcohol is abused by villagers who travel to Bethel, causing pressure, stress and worry to their relatives or friends who live here; and
- WHEREAS Many village people have a problem with alcohol, yet no one helps the person because they travel to Bethel to drink and are sober when they are at home in their village; and
- WHEREAS Education and Prevention techniques are the best methods to help those who are in need - both the alcohol abuser and the relatives and friends in Bethel where he stays; and
- WHEREAS There is a need for such education to be given to villagers on their responsibilities while they are away from their village and to the host families or relatives in Bethel on setting house rules for visitors and enforcing them when necessary; and
- WHEREAS There is a need to establish a contact person in each village, preferably from the local alcohol advisory board or a village elder, so that villagers abusing alcohol outside the village may be referred for counselling or to receive other help while he is at home;

NOW THEREFORE BE IT RESOLVED that AVCP, YKHC & PATC work together to provide this education and assistance to village and Bethel residents;

AND BE IT FURTHER RESOLVED that both village councils and local volunteer alcohol boards take the responsibility of educating villagers, naming and publicizing a contact person for relatives in Bethel to call or write with their concerns and to provide prompt and ongoing help to any person needing it when they return to the village.

Bob Nestel
P.O. Box 771753
Eagle River, AK 99577

November 5, 1985

The Honorable John Binkley
P.O. Box 886
Bethel, AK 99559

Re: SCR23/Relating to a Legislative committee to study
local option elections.

Dear Representative Binkley,

The October 30th and 31st issues of the Anchorage Daily News,
carried a news item and editorial on your committee work.
(articles enclosed).

I was a member of The Anchorage Alcohol Abuse Commission and
appreciate the dilemma your committee is confronted with.
Attached is Municipality of Anchorage, Ordinance No. 85-128(s),
concerning issue renewal and transfer of Liquor Licenses.
That ordinance is also attached.

Each member of your group will receive the summary of a report
entitled "Analysis of Availability Factors Related to Per
Capita Alcohol Consumption." This was an eye opener for me
and may be of assistance to you.

In 1984 and 1985 I served on the Corrections Committee of the
Anchorage Crime Commission. This summer the Corrections
Committee had Dr. Aron Wolf of Langdon Psychiatric Clinic
address us on alcoholic blackouts among Alaska Natives.
I would recommend Dr. Wolf be contacted to address your
group in its deliberations. Dr. Wolf made suggestions to
our Committee that were extremely valuable. His address is:
Dr. Aron Wolf, 4001 Dale Street, Anchorage, AK 99508. His
phone number is: 561-1361.

One question I have is, if possession of alcohol is prohibited
in the bush, what happens if the person comes to Anchorage?

You have a difficult task.

Sincerely,



Bob Nestel

Page 2

cc: Rep. John Sund, 111 Steadman St. Rm. 100, Ketchikan, AK 99901
Rep. Katie Hurley, Box 870157, Wasilla, AK 99687
Sen. John Sackett, Box 11, Ruby, AK 99768
Sen. Vic Fischer, 1024 W. 6th, Rm307, Anchorage, AK 99501
Sen. Edna DeVries, Box 321, Palmer, AK 99645
Sen. Tim Kelly, 1024 W. 6th Rm. 300, Anchorage, AK 99501
Sen. Rick Halford, 1024 W. 6th, Rm. 301, Anchorage, AK 99501
Rep. Sam Cotten, Box 296, Eagle River, AK 99577
Rep. Randy Phillips, Box 142, Eagle River, AK 99577
Rep. Max Gruenberg, 1024 W. 6th Suite 201, Anchorage AK 99501
Dr. Aron Wolf, Langdon Psychitric Clinic, 4001 Dale Anch. AK 08
CHARR, 225 Cordova St. Bldg. B Suite 305 Anchorage AK 99501
Barbara Bailey, AK Council, 7521 Old Seward, Suite A Anch. AK 02

Offered: 5/1/85
Referred: Finance

1 IN THE SENATE

BY SACKETT

2 SENATE CONCURRENT RESOLUTION NO. 23

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 Relating to a legislative committee to
6 study local option elections.

7 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 WHEREAS there is an ever increasing need to find solutions to problems
9 associated with alcohol abuse in the state; and

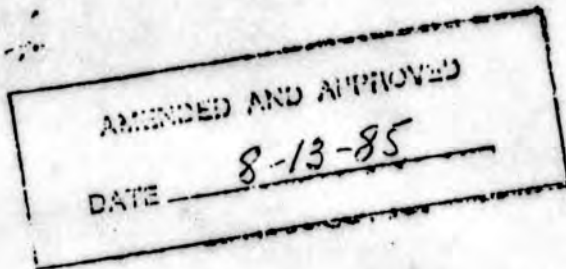
10 WHEREAS the problems associated with alcohol abuse are particularly
11 disruptive to rural communities; and

12 WHEREAS local option elections offer a means for rural communities to
13 address local alcohol problems; and

14 WHEREAS the legislature desires to explore the advisability of local
15 option elections on the question of banning possession of alcoholic
16 beverages within a community;

17 BE IT RESOLVED by the Alaska State Legislature that under Uniform
18 Rule 21 a joint special committee on local option laws is established
19 consisting of three members of the senate appointed by the president of the
20 senate and three members of the house of representatives appointed by the
21 speaker of the house to hold public hearings in rural communities and to
22 take testimony and collect data on the subject of local option elections on
23 the question of banning possession of alcoholic beverages within a commun-
24 ity; and be it

25 FURTHER RESOLVED that before the committee dissolves on the 10th day
26 of the Second Session of the Fourteenth Legislature, it submit a written
27 report to the legislature that addresses the merits of and makes recommen-
28 dations concerning these local option elections.



Submitted by: Assembly Members Baker,
Brockway, Flynn, Mystrom
Walsh

Prepared by: Department of Law
For Reading: July 23, 1985

ANCHORAGE, ALASKA
AO NO. 85-128 (S)

AN ORDINANCE AMENDING CHAPTER 10.50 AND SECTION 21.45.170 OF THE ANCHORAGE MUNICIPAL CODE RELATING TO ASSEMBLY CONSIDERATION OF ISSUE, RENEWAL AND TRANSFER OF LIQUOR LICENSES.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code 10.50 is amended by
addition of a new section to read:

10.50 Standards Governing Assembly Protests to Alcoholic
Beverage Control Board.

In the exercise of its powers under AS 04.11.480, and 15 AAC 104.145 to protest issue, renewal, and transfer of alcoholic beverage licenses within the Municipality of Anchorage, the Assembly shall consider whether the proposed license meets each and every factor and standard set forth below:

- A. Concentration and Land Use. Whether ^{transfer of location or issue} ~~the~~ requested license will increase or ~~perpetuate~~ a concentration of uses involving the sale or service of alcoholic beverages within the area affected and will conform to the separate standards of AMC 21.50.020(A) applicable to conditional land uses involving the sale or dispensing of alcoholic beverages.
- B. Training. If application is made for issue, renewal or transfer of a beverage dispensary license, restaurant or eating place license, or package store license, whether the applicant can demonstrate prospective or continued compliance with a Liquor Server Awareness Training Program approved by the State of Alaska Alcoholic Beverage Control Board, such as or similar to the program for techniques in alcohol management (T.A.M.). Until such plan is approved, training by a licensee's employees in the T.A.M. shall constitute compliance with this ordinance.

This subsection shall become effective December 1, 1985.

- C. Operations procedures. If application is made for issue, renewal or transfer of a license, whether the applicant can demonstrate prospective or continued compliance with operations procedures for licenses premises set forth in Section 10.50 _____ of this code.

Section 2. Anchorage Municipal Code 10.50 is amended by addition of a new section to read:

10.50. _____. Operations procedures for licensed premises.

- A. Except as otherwise provided in this subsection, the Operations procedures set forth in B of the section shall apply to all persons seeking the issue, renewal or transfer of any license issued by the State Alcoholic Beverage Control Board by virtue of AS 04 and other applicable provisions of law allowing the sale or service of alcoholic beverages. Subsections B (1) and B (5) shall not apply to persons or firms seeking the issue, transfer or renewal of licenses issued under AS 04 which do not authorize the sale or service of alcoholic beverages for consumption on the premises licensed.
- B. Persons or firms seeking the issue, transfer or renewal of licenses issued by the State Alcoholic Beverage Control Board under AS 04 and other applicable provisions of law shall comply with the following operations procedures:
1. Happy Hours. No licensee may:
 - a. Sell more than one drink for the price of a single alcoholic drink, or sell a drink with increased alcoholic content, or sell a multiple of any number of drinks in a manner which has the effect of selling more than one drink for the price of a single drink.
 - b. Advertise, promote or put in public notice the giving of free alcoholic drinks to customers.
 - c. ~~Set~~ Advertise, promote or put in public notice the sale of alcoholic beverages at a reduced price at certain times of the day or days of the week. Nothing in this subsection shall prohibit a licensee from increasing prices during times when entertainment is provided.

This subsection shall not be construed to prohibit licensees from giving away or selling at a reduced price food items to customers and patrons.

2. Games or contests. No operator may allow, sanction, or permit games or contests to be conducted on premises which include in their competition the consumption of alcohol or in which awards are given by the establishment to patrons in the form of alcoholic beverage products.
3. Public Transportation. Licensees shall make available to their patrons access to means of public transportation to permit patrons to make arrangements for transportation to a hotel, private residence or other lodging.
4. Notice of penalties. Within 45 days of the passage of this ordinance, operators shall place, at conspicuous locations within licensed premises, a clear and legible sign describing applicable penalties for driving while intoxicated, and for service or sale of alcoholic beverages to minors or intoxicated persons.
5. Availability of nonalcoholic drinks. Operators shall have nonalcoholic drinks available for their patrons.
6. Compliance determination. In order to determine whether applicants seeking issue, renewal or transfer of alcoholic beverage licenses have complied with the provisions of this chapter, all applicants shall, at the time application is made to the Alcoholic Beverage Control Board for issue, renewal or transfer of licenses, submit to the Municipal Clerk such information as is required on a municipal form prepared by the Municipal Clerk known as the Municipality of Anchorage Alcoholic Beverage Licensee Compliance Form. Operators shall also provide the Municipal Clerk with certificates from all current employees demonstrating that those employees have successfully completed a "Liquor Service Awareness Training Program" such as the program for techniques in alcohol management (T.A.M.) as approved by the State of Alaska Alcoholic Beverage Control Board.

AO NO. 85- _____
Page 4

Section 3. Except as provided in Section 1B and 2B4 of this ordinance, this ordinance shall become effective upon passage.

PASSED AND APPROVED by the Anchorage Municipal Assembly, this _____ day of _____, 1985.

Chairman

ATTEST:

Municipal Clerk

Lawmakers will hold hearings on alcohol possession controls

By DEAN FOSDICK
The Associated Press

JUNEAU — Lawmakers are to begin hearings in mid-November to study whether Alaska's local option laws should be strengthened to ban the possession of alcohol.

If approved next session, the changes would take enforcement "right inside the house" in rural Alaska, Rep. John Binkley said Monday.

Municipalities currently can ban the importation of alcohol, but existing law does not allow the communities to ban personal possession, the Bethel Republican said.

"There are very few families or people out here who haven't been affected by alcohol or by the destruction it brings," Binkley said.

"In villages, the problem is more acute than what you'd see in a city," he said. "People are very close. It's difficult to get away from alcohol when it's introduced."

"It's kind of like being around a community well that's been poisoned."

In order to enact a law that will stand up under a court challenge, legislators must show that a public health need exists, Binkley said.

The interim committee is to hear testimony from people across rural Alaska and review recent studies on alcohol. The data it collects, the findings it makes and the legislative intent that results will make it easier for the courts to uphold such a measure, he said.

Alaska's current local option law, passed in 1980, simply doesn't work, Binkley said.

"A community can vote itself dry but can't do anything about arresting people who cause alcohol-related problems because they've managed to get the booze some way," he said.

"They call in troopers, but the troopers can't make any arrests if there's no proof the alcohol was imported," he said. "We want to ban possession if the village votes for it."

Conviction under present law calls for up to a year in jail and a \$5,000 fine, he said.

"We're considering that

penalties under possession include a fine instead of a jail term," Binkley said. "We're trying to get the communities to take responsibility for themselves."

"It would relieve the pressure on troopers and on our crowded court calendars," he said. "By being able to levy a fine, communities could just

confiscate the liquor and collect the cash."

Binkley serves on the House side of the committee with Reps. Katie Hurley, D-Wasilla, and John Sund, D-Ketchikan.

John Sackett, R-Ruby, Edna DeVries, R-Palmer and Vic Fischer, D-Anchorage, represent the Senate.

Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

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Alcohol ban bill deserves scrutiny

Citizens could vote for a complete ban on alcohol in their communities if a bill sponsored by Bethel Rep. John Binkley becomes law. Leaders in several western Alaska villages are pushing for the new law to deal with frightful levels of alcohol-related violent crime, accidents and suicides. While no law can eliminate those problems, this one could help by curtailing a substance that all too often fuels them.

Nearly 90 percent of all crime and most accidents and suicides in the Bush involve alcohol, Alaska State Troopers say. That's why the state's local option law now allows communities to ban the sale or importation of alcohol, if voters approve. But leaders in some of the nearly 60 villages that have tried those options say they don't work.

Bootleggers manage to keep the insistent drinkers supplied, albeit at a stiff price. Catching bootleggers takes lots of time and effort by understaffed troopers, who often must deal with more immediate cases. After clandestine buying, people can drink openly because just having alcohol is not illegal. A ban on possession itself would make enforcement easier and discourage bootleggers' customers.

Banning alcohol does have its limits, of course. A successful ban demands that police enforce it, district attorneys prosecute violation of it, and courts hand out serious sentences to violators. All that will require money.

A total ban also could run afoul of the Alaska Constitution's privacy protections, which allow personal use of small amounts of marijuana. A ban on alcohol may need a similar exemption on small quantities.

Another drawback is that a ban can't distinguish between the drinkers who create the problems and those who drink in peace. For that reason, many people may be reluctant to vote for a total ban on alcohol. One thing is certain: Rep. Binkley's bill is sure to engender much discussion when public hearings on it begin next month. It should; the marriage of alcohol and violence is one of the most pressing problems facing Alaska.

AFN 1985 ANNUAL CONVENTION
RESOLUTION NO. 85-48

AMENDMENT OF THE LOCAL OPTION LAW

- WHEREAS, alcohol abuse has been and continues to be a significant social problem in the State of Alaska;
- WHEREAS, alcohol abuse has been one of the major causes in Alaska of family disunity, domestic violence, community violence, sexual abuse of children, and suicides, and as such presents a danger to both the health of individuals and the health of the community;
- WHEREAS, Alaska's local option law allows communities to ban the sale and importation of alcohol, but does not allow a ban on the possession of alcohol; and
- WHEREAS, it is virtually impossible to enforce a ban on the importation of alcohol, due to the difficulty of proving who the person was that actually brought the alcohol into the dry village; and
- WHEREAS, many innocent non-drinkers in villages which have chosen to ban the sale and importation of alcohol are being hurt and damaged by those who abuse alcohol; and
- WHEREAS, there is a compelling need for legislation which would allow communities to ban the possession of alcohol to protect the innocent victims of alcohol abuse; and
- WHEREAS, the need to protect innocent victims is so strong that it justifies the serious step of invading the privacy of individual adults in their own homes;
- NOW THEREFORE BE IT RESOLVED that the Alaska Federation of Natives formally requests and recommends that the Alaska State Legislature amend the Local Option Law contained in Title 4 of the Alaska Statutes to allow communities to ban the possession of alcoholic beverages within the community after holding a local option election.

CONVENTION ACTION: PASSED



Claudia Briner

TESTIMONY FOR REPRESENTATIVE BINKLEY

December 9, 1985

WHAT IS THE PROBLEM WITH ALCOHOL?

Of our current health and social issues, few have as many different and competing perspectives as the issue of alcoholism and alcohol abuse and how we deal with them.

We know the impairment of human potential due to alcoholism and alcohol abuse constitutes a serious health, social and economic problem in Alaska. The scope of this problem can be measured in several dimensions -- pain and suffering to the impaired individual and his or her family and social behavior; lower productivity and lost work time; and direct expenditure for prevention, treatment and rehabilitation. Alcohol abuse and alcoholism affect our way of life in Alaska. Most immediate problems directly associated and impacted by alcohol include suicide, family violence and violent crimes.

Although it is difficult to express some of these dimensions in quantitative terms, others may be expressed in terms of measurable economic costs to Alaska. While not totally precise, the current state of the art in this area is sufficiently well advanced that some fairly reliable estimates have been developed.

An independent study conducted by the California Health Research Foundation found that the economic costs of alcohol abuse to the state of Alaska for 1983-84 (the most recent information available) was \$195.5 million dollars. This figure is based on information from the Alaska Department of Commerce, which was used in establishing a gross state product, and from that information, a design to develop extrapolative approximations was implemented.

A more thorough explanation of these figures and actual document can be obtained through the Alaska Council.

RECOMMENDATIONS

In order to decrease and ultimately eliminate the health, social and economic costs of alcohol abuse, the Alaska Council recommends the following:

1. Communities in the state of Alaska continue to have the right to decide whether they will be wet or dry in relationship to alcohol use. In order to make informed decisions about the local option law, we believe information, education, training (if necessary) and implications about the law should be provided to communities requesting it. Currently information is available through the Department of Community and Regional Affairs.
2. Enforcement of bootlegging be given priority. If enforcement of the local option law is not carried out, then bootlegging will continue, adding to the continuing problems of alcohol abuse.
3. Identify currently existing substance abuse prevention resources at the local, regional and state levels and develop coordination so that these services can be carried out to their fullest.
4. Continue funding prevention and related services through the State Office on Alcoholism and Drug Abuse at a higher level. We are beginning to see some positive results through school-based and community-based prevention programs (Here's Looking At You, II, village alcohol boards, youth to elder projects). These programs are not quick fix solutions and since they are not, require adequate funding over a number of years.
5. Develop parity between excise tax on liquor, wine and beer. Currently, the excise tax is much higher for liquor than for beer or wine. However, as information from the State Office on Alcoholism and Drug Abuse indicates, Alaskans drink more beer and wine than other liquor. Increasing the excise tax

page three

December 9, 1985

on these beverages would create more tax revenue, hopefully to be used for funding alcohol abuse prevention, treatment and rehabilitation programs.

These are just a few of the recommendations we feel need to be considered by the Alaska state legislature in the upcoming session. I would be happy to try to answer any questions, if there are any.

TESTIMONY ON LOCAL OPTION LAW

I am speaking on behalf of the Bering Straits Regional Strategy, and basically will do little more than reiterate what others have said so strongly before me.

I read the article in Sunday's Anchorage News, which leads me to believe you are aware of many of the points I might have covered. In fact, many may already have been covered in your bill, though I haven't seen it yet.

One of the main purposes of the Regional Strategy has been to encourage long-term planning in each community of this region. In doing this, we have travelled to 5 villages this Fall. In the 2 day/3 night marathon sessions, residents have grappled with future growth, poor communication between residents and Council members, projected capital project needs, and education of their youngsters to survive both in the village and the city. They have learned to temper their dreams because of declining revenues, too few motivated people, and a corporate system which few understand enough to participate well. And, invariably, in EVERY village, one of the longest discussed and most clearly discouraging, problems was continuing alcoholism within the village, despite the Local Option Law - and particularly their inability as a village to stem the alcohol flow from Nome or Anchorage. I didn't hear anything regarding people making alcohol in the village. I'm not saying it doesn't go on. I'm just saying that this point was not raised.

Let me say something else. When the discussion turns to alcohol and the Local Option Law, several subsidiary subjects are invariably raised: the VPSO and State Troopers in particular.

Specifically, these are the points raised within those particular villages:

- 1) That the VPSO has too little power to search baggage undoubtedly topped the list. Since you are already aware of the difficulty of enforcing the law, I won't belabour the point. But the concern remains that unless a person is KNOWN to have purchased liquor in Nome and somebody specifically watched it being packed or carried onto the plane, the VPSO lacks the authority to search any luggage. Since people feel relatively sure that particular people ARE bringing alcohol into the village, there is an intense frustration that it is illegal to do anything about it.
- 2) Other problems with the VPSO vis-a-vis the Local Option Law include his relationship to other villagers, especially to members of his family; the limited number of people in all villages, but especially the smaller ones, who could function as a VPSO for long periods of time; the lack of insurance; the lack of backup; and the problem of the VPSO himself drinking.
- 3) The relationship with the State Troopers doesn't seem to be

good in ~~some~~ ^{some} villages. There is a feeling that the Trooper doesn't get along with residents, that he feels "superior" to the VPSO and villagers in general, and acts quite arrogant. He often takes too long to respond to a call and doesn't back up the VPSO enough. This is clearly enough of a problem - it was raised in three of the villages - to warrant consideration in light of this discussion.

4) Alcohol continues to affect the young and the rest of the village in numerous ways. A point made in the News article is that "a prohibition law faces a tough constitutional obstacle in Alaska". It mentioned the need to prove "that the danger of alcohol to public safety and welfare outweighs the individual's right to privacy." Some of the things that have occurred recently in some villages as a result of alcohol availability are the following: 1) suicide (just the past year a teenager took his life in one of our villages, saying he just couldn't cope any more with the family abuse occurring to him, his brothers, sisters and mother as a result of his father's drinking), 2) individual non-suicide deaths (while we were holding the planning meetings in Brevig Mission, for example, word came over from Teller about the death of a young man, presumably from intoxication, this less than two weeks after a suicide) in that community, 3) family abuse (I don't have any figures, but from the number of women and children who go through the Kawerak Social Services program, the Bering Sea Women's Group, and Norton Sound, the child and female sexual and physical abuse is high, especially after a bout of drinking), 4) physical violence (one State employee, for example, will not stay overnight in a particular village with less alcohol controls because of the tendency to take a gun and shoot up parts of the village for fun)

5) The Local Option Law was a specific question on the one of the surveys and will be on others in the future as well. Some comments regarding improvements or additions to the Law include: Renew the Local Option Law, no importation to village, follow the Local Option Law as stated on ordinance, enforce importation of alcohol, search luggage, search the groceries when the shopping is done, needs to be enforced by airlines. It is interesting to note that in this same survey, when asked if they would be willing to help pay for improvements through taxes or services charges, 16 people said yes, 1 said no, and 7 gave No Opinion. Because each village is unique, these results may not carry directly over to others. But the sentiments seem to characterize almost all of the villages I've had contact with.

Other concerns are the following:

1) VPSO's, if they are covered by any insurance at all, are not covered enough. First, any person who felt his rights - especially if we're talking about search and seizure of luggage - were being abridged, could sue the VPSO, who, because the coverage is so inadequate, could be financially hurt quite badly. Second, because such search and seizure operations always has the potential of escalating into violence, should anything happen to the

VPSO, either death or injury, there is too little coverage to handle medical bills or on-going assistance to his family.

2) If we live under a Constitutional system of government, are we not abridging human rights by searching personal baggage? Maybe we should institute a system similar to the routine searches which are done, say, in major urban airports prior to boarding the plane, customs agencies, etc. If it were routine, however, the VPSO would have to meet every plane, thereby allowing no time for other gainful employment, which would thereby mean his salary should be increased, a remote possibility given that the Department of Public Safety just last year wanted to cut funds to the program. Therefore, even passing a law to tighten the Local Option Law, thereby giving the VPSO more authority, means changing the ability of the VPSO to properly perform his job in light of having also to provide for his family's welfare.

Some suggestions were made to cope with the problem. They were not all mentioned by all the villages, and there may be some villages which would adamantly disagree with these suggestions.

- 1) Strengthen the VPSO program, including giving the VPSO the authority to search baggage
- 2) Insist that the airlines not carry obviously drunk passengers
- 3) If an airline DOES carry a drunk passenger, allow villagers to refuse his or her right to get off the plane, and ship the person back to Nome - at airline expense
- 4) Hire a City policeman from outside the village instead of using a VPSO
- 5) Take the VPSO program out from under Kawerak and put it in the Department of Public Safety, where the VPSO would be better insured and presumably better trained and given more authority
- 6) Improve relations with the State Troopers. Villagers are acutely aware that a good working relationship with the Troopers is beneficial. While they realize their own responsible to improving relations, another suggestion is to urge the Department of Public Safety to make a greater effort to assure that the Troopers it does send out here understand Eskimo culture and bring no paternalistic and/or demeaning attitudes with them.
- 7) Have a jail cell in the village, so that residents could handle the problem within their own village and to eliminate lag time.

Let me end by wishing you well. This is one tough nut to crack and I surely don't have any immediate solutions. Every time a possible solution crops up, it raises more questions, to be expected, of course. But it just makes your job more difficult.

Ellen C. Greenberg
Regional Planner
Kawerak
December 10, 1985
3

Testimony by Doug Modig, Rural CAP/Alcohol Program
to the
Joint Special Committee on Local Option Laws
December 9, 1985

Thank you for this opportunity to address this group on the issue of Alcohol in our Native Villages. Firstly, I want to acknowledge that I am not speaking for Native People when I make my remarks. My remarks are based solely on my own personal experience; Native people may speak for themselves, or they may speak in behalf of their Village, but they do not speak for Native People as a whole. I am making my remarks based on my own experiences in the Villages.

When attempting to address the issue of Alcohol in the Villages, several factors need also to be addressed by persons attempting to assist Villages. To not see the connection between those factors and the incidence of alcohol abuse in Alaskan Villages is a shortcoming which will doom to fail all efforts at addressing Alcohol Abuse. Some of these factors are cultural heritage, education/training, technology, families, religion, spirituality, subsistence, economics, leadership, and the effect of rapid cultural change. Lately, there has been an acknowledgment that these factors must be addressed as well as the issues pertaining to alcohol, but I have not seen this in actual practice except in some limited instances. Some suggest that the community as a whole must be treated in order to effectively address alcohol abuse. There is a lot of wisdom in that statement since my experience is that alcohol does affect the whole family, and that that family affects other families and those families affect the Village and that those Villages affect the Native Nation as a whole.

In relation to these factors, there are some common threads which define the state of being that are experienced by the Villages. Concerning, cultural heritage, each Village is different. Some of these differences are based on their environment, which in turn, shifts the focus of the other factors. Since that is the case, it follows that the approach to work in the Village must be different. That, is not always the case, and as a result, those shades of differences not acknowledged, shade the other factors as well.

Virtually all Villages are experiencing cultural change. These changes by the very nature of change disrupt the lifestyles of what had already existed in the Village. Rapid or forced change, wields a very destructive force and in Alaskan Villages, this change, has resulted in near destruction to our Cultural Heritage. Consider the value of shared resources which was necessary for the survival of a Village. In this society, each family is on their own and is responsible to maintain their own household. In a time not too long past, it was a Village project to get fuel for the Village. In the case of wood or other fuel for heat or light, there seems to no longer be a need for this human resource since one could buy electricity and oil. As a result, the people tend to overlook the being state of sharing. This goes even further in relation to subsistence and economics. Laws regarding the taking of fish and game, limit the take based not on the needs of the Village, but on the overall needs of the state. In relation to the issue of subsistence, I do not wish to engage in debate as to the relative merits of the issue, but I do want to point out that in relation to Villages, it is a factor that affects the well-being in their Communities. In the absence of a stable subsistence economy, Villagers are faced with the choice of breaking the law to maintain their lifestyle or resorting to welfare or foodstamps. Unfortunately, welfare and foodstamps in the Villages come at the price of their Cultural Heritage, a stabilizing force, but even more, it comes at the

price of personal pride of contribution . As an example, in several of the Villages I've been to, there are persons who were identified by their ability to hunt and/or fish. With the passing of ANCSA and other fish and game laws, they were limited to their take, but even more importantly, they were limited to their contribution to their community. On a personal note, concerning this kind of experience, when I used to longshore for a living, and there was no work, I cannot remember a time when I felt more helpless, angry and frustrated. My final response was to get into another line of work, but in the Villages, there is no work. And when one cannot work in their own Villages, they begin to experience a slow, but sure loss of pride and identity proceeded by feelings of helplessness, anger and frustration. This then leads to feelings of meaninglessness, which in some resulted in alcoholism and/or suicide.

The introduction of technology to Native Villages is both a gift and a limitation. There was a time in the early nineteen-thirties that available technology made life easier for the Community. As an example, cutting wood with an axe and saw lessened the time needed to prepare for Winter or build new houses. This freed up enough time to create a perfect balance in the Community. Unfortunately, advancing technology also created an excess of leisure time, which created idle time. That problem exists today in our society as a whole and an inordinate amount of time is spent watching television or other pursuits, not necessarily productive . That same impact was felt with the introduction of guns and motors, each having its relative value, but at the same time exacting a toll in cultural value.

In the instance of education, education in our cultural past was a vehicle whereby knowledge was passed along to younger generations. This was mostly through story-teaching. The emphasis however, was on training for survival of the Village. This created an inter-dependence in the

community, which also gave identity. In today's Villages, the community and the school are separated in most instances. There is very little effort to engage the community in the educational process, a process which played an important part of earlier Native Society. I must acknowledge at this point that there are some communities that do engage the Community in the educational process, but by and large, there is a definite separation of community and school. Prior to the Hootch decision, there were students who were separated from the home for as many as four years (and sometimes more). Those students missed a critical part of Village life and caused them to change and experience an inability to relate to their family and friends. In many cases, those students did not re-adjust to Village life and moved to the Cities or returned to their villages and never quite fit in.

The problem gets more and more complicated and much more confusing; giving rise to frustration, anger and tragically, loss of hope and direction. The main contributing factor is ALCOHOL. Alcohol has been defined as cunning, baffling, powerful. The drug alcohol has worked itself so much into our structure that there are some villages that cannot boast a single sober individual. Alcohol has been cited as a contributing factor to our family disintegration, suicides, child abuse and neglect, sexual abuse, spouse abuse, low academic achievement, drop-outs and a high representation of Native People in prison due to alcohol related offenses.

In an attempt to address alcohol in our Villages, several programs and agencies have come into our Villages to assist. The problem of alcohol still persists and is getting worse. What is being proposed today is a fifth option to the Local Option Law.

The Fifth Option does what the Fourth Option attempted to do. Control alcohol. Those who are recovering from alcoholism know that alcohol defies any attempts at control. There are three reasons for this. The first is the addictive nature of the drug. If any of you have tried to stop smoking or have attempted to get a loved one to stop, you have an idea about the addictive nature of drugs. Alcohol dependency for many defies treatment. The second and even more significant is that it creates another dependency. This dependency is no different than the need to depend on teachers to educate our young, to keep our youth in school, to stop child abuse and neglect, to stop spouse abuse, to stop our people from going to prison, to increase employment opportunities in our Villages, to improve our economy. When measured in terms of cost, its price is our self-determination. I recognize that each Village needs to vote in order to pass the Fifth Option, but in some ways, it is still another way to depend on someone outside themselves, because to enforce Local Option, the VPSO's are faced with the same dilemma they have with the Fourth Option, that is, reporting and arresting friends and relatives, which then means calling the State Troopers instead of depending on themselves to remedy the problem. The third reason is the nature of power.

There are essentially two kinds of power. The first is defined as the power of position. They are the governing people or forces in our lives. They may be the President, Governor, Police, teachers, parents, older brother or sister, the laws of the land. By themselves, they do not control our society. When they do "control," it is when people are influenced by those persons or forces. When one wields influence power, it makes no difference what position of power they may have. In the recovery process of alcoholism, it is not because a person was told by a judge that they have to stop drinking, it is because they were influenced by persons or forces within themselves.

An axiom I heard one time said that "you can not make change, but you can influence change." That has proven true when I was working with youth in Alaska and in the Lower Forty-Eight.

At this point, I would like to acknowledge that earlier this year, the Village Participation Conference passed a resolution which supported the proposed fifth option as presented by Representative Binkley. I wholly support the notion of Community self-determination. In the instance of the Local Option, I have however, the following considerations based on reports from the Rural Providers Conference, which is a gathering of substance abuse workers from around the state sponsored by RurAL CAP which was held in Tyonek in May of this year. The findings reported were:

By itself, Local Option is very difficult to enforce because of: laws regarding search and seizure, rules of evidence, the time it takes to get a search warrant.

Local Option seems to be making criminals out of people who are not criminals; there seems to be an increase in the number of bootleggers; because of the risks of bringing in alcohol, marijuana use seems to be growing because it's easier to conceal; offenders of Local Option learned to use their "rights" to thwart attempts to correct action; it limits self-determination.

Local Option elections help people get together on an issue; helped some communities develop alternatives; people's drinking isn't so obvious; there are less calls for drinking-related accidents; people seem to be spending their money on things other than alcohol; there seems to be more self-referrals to treatment.

Because of the changes in our Cultural Past, what used to work, no longer works. Problem solving in our Native Villages used to be pretty much

straightfoward. Unfortunately, things are much more complicated and complex these days. And so the question I'm usually asked at this point is what do we do? Doing something is a reasonable place to start, but even deeper than doing something is being something. What influences people and communities, is not so much what you do, but the intent behind what you do. The difference between these two concepts is illustrated by the phrase of "taking care of someone and caring for someone." When I worked with couples, a common problem they experienced was that they did all the right things, but they did not experience the satisfaction of knowing they were cared for by their spouse. By being able to see the distinction between taking care and caring, they were able to see states of being as the factor which determined the quality of their relationship. Where this relates to Villages is in the amount of activity one sees during a crisis in a Village. Usually an authority is brought in, whether it be a social worker or the police. Their task is to fix the problem. And that's the problem. Villages do not see themselves as having the position to fix the problem and they depend on others to solve their problems.

Later this week, I will be speaking to the RurAL CAP Board of Directors concerning a new approach, which is entitled "committed responsibility," as a means to remind the Villages of the strength and relevancy of their traditional values which are powerful enough to confront the array of problems caused by forced acculturation.

In this testimony, I've attempted to give you an overview of the problems I've observed in my experience. I hope these comments have been helpful. Thank you for your consideration.



UNITED STATES
DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS
ANCHORAGE AGENCY
P. O. BOX 100120
ANCHORAGE, ALASKA 99510-0120

IN REPLY REFER TO:

REC'D FEB 3 1984
S.S.

January 30, 1984

Mr. Samuel Smith
Nunivak Island
Mekoryuk, Alaska 99630

Dear Mr. Smith:

Per your telephone request on the 27th of this month, I am enclosing a copy of 18 United States Code, Chapter 1154, and the explanation of Article I, Chapter 8 of United States Constitution, concerning Commerce with Indian Tribes, which explains dispensing of alcoholic beverages in Indian Country.

When in fact the tribe desires to pass a law or ordinance, the desired ordinance is sent to the Bureau Agency, which in this case would be Bethel Agency. You may request Tribal Operations Officer from that Agency for help, but the request has to originate from tribal governing body. If and when the desired ordinance is published in the Federal Register, it has force, and it would be up to the tribal governing body to deal with the problem depending on ordinance.

It was good talking with you. Have a good winter.

Sincerely,

David Hendrickson, Sr.
David Hendrickson, Sr.
Tribal Operations Officer

Enclosure

Superintendent's Office 271-4058
243-7707

18 USCS § 1154

CRIMES

INDIANS

§ 1154. Intoxicants dispensed in Indian country

(a) Whoever sells, gives away, disposes of, exchanges, or barters any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, except for scientific, sacramental, medicinal or mechanical purposes, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under any name, label, or brand, which produces intoxication, to any Indian to whom an allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian who is a ward of the Government under charge of any Indian superintendent, or to any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and whoever introduces or attempts to introduce any malt, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever into the Indian country, shall, for the first offense, be fined not more than \$500 or imprisoned not more than one year, or both; and, for each subsequent offense, be fined not more than \$2,000 or imprisoned not more than five years, or both.

(b) It shall be a sufficient defense to any charge of introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country that the acts charged were done under authority, in writing, from the Department of the Army or any officer duly authorized thereunto by the Department of the Army, but this subsection shall not bar the prosecution of any officer, soldier, sutler or storekeeper, attache, or employee of the Army of the United States who barter, donates, or furnishes in any manner whatsoever liquors, beer, or any intoxicating beverage whatsoever to any Indian.

(c) The term "Indian country" as used in this section does not include fee-patented lands in non-Indian communities or rights-of-way through Indian reservations, and this section does not apply to such lands or rights-of-way in the absence of a treaty or statute extending the Indian liquor laws thereto.

(June 25, 1948, ch 645, § 1, 62 Stat 758; May 24, 1949, ch 139, § 27, 63 Stat. 94.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

This section is based on R. S. § 2139; Act Feb. 27, 1877, ch 69, § 1, 19 Stat. 244; July 4, 1884, ch 180, § 1, 23 Stat. 94; July 23, 1892, ch 234, 27 Stat. 260; Mar. 2, 1917, ch 146, § 17, 39 Stat. 983; June 13, 1932, ch 245, 47 Stat. 302; Mar. 5, 1934, ch 43, 48 Stat. 396; June 27, 1934, ch 846, 48 Stat. 1245; June 15, 1938, ch 435, § 1, 52 Stat. 696 (former 25 U.S.C. §§ 241, 242, 244a, and 254).

The portion of former 25 U.S.C. § 241 which defined the substantive offense became subsec. (a); the portion of former 25 U.S.C. § 241

excepting lie (b), as limit making com ment, was Criminal Pr incorporated as covered b in 1934 and tions where patent or a Such enactm 25 U.S.C. § including al ment or w States. Th: no trust or result as for Act of Jan. the reference included for USCS § 115 were deleted tory punish: provision fo exception of mechanical ; exception ap Minor chan;

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CONSTITUTION

under state laws, could validly be and control by Interstate in exercise of its power of accounting and annual reports. *In re Goodrich Transit Co.* 141 729, 32 S Ct 436.

are subject to broad visitation may exercise wide them analogous to visitation state when their aim or affect interstate commerce. *Publishing Co. v. ...* 90 L Ed 614, 66 S

gress is not exceeded mining company owning exclusively for transportation and has no connection furnish to Interstate information for use in *Alpha Refining Co. v. ...* 29, 91 L Ed 22, 67 31, 91 L Ed 704, 67 S

that each individual negotiable instruments commerce maintain record *Bankers Asso. v Shultz* Ed 2d 812, 94 S Ct

power to regulate commerce wholly exclude from subject falling within financial regulation, when hindered by safety or by entire nation. *United States v ...* 50 US 560, 13 L Ed

power to regulate commerce ship from entering construction or equipment patented in this terms and regulations be allowed to enter. 60 US 183, 15 L Ed

power to regulate authority to forbid merchandise from entering complete is its authority have vested right to with United States. 23 US 166, 56 L Ed

power over foreign

COMMERCE CLAUSE

commerce and authority to prohibit introduction of foreign articles. *Weber v Freed* (1915) 239 US 325, 60 L Ed 308, 36 S Ct 131.

Under Article I, § 8, cl 3, of Constitution, Congress has broad, comprehensive powers to regulate commerce with foreign nations, and plenary power to regulate imports. *United States v 12 200-Ft. Reels of Super 8mm. Film* (1973) 413 US 123, 37 L Ed 2d 500, 93 S Ct 2665.

Congress has plenary authority to regulate foreign commerce and to delegate significant parts of this power to Executive. *California Bankers Asso. v Shultz* (1974) 416 US 21, 39 L Ed 2d 812, 94 S Ct 1494.

Congress has power to regulate contracts of vessels engaged in foreign commerce and entering United States port. *Compagnie Generale Transatlantique v American Tobacco Co.* (1929, CA2 NY) 31 F2d 663, cert den 280 US 555, 74 L Ed 611, 50 S Ct 16.

Congress having provided that all imported goods be marked to show country of origin, had power to make it offense for anyone to remove mark later with intent to conceal information given by it. *United States v Ury* (1939, CA2 NY) 106 F2d 28, 124 ALR 569.

Secretary of State's solicitation of letters of intent from foreign steel producers to not export to this country in amounts greater than designated quotas, without executive compliance with Trade Expansion Act of 1962 (19 USCS §§ 1801 et seq.), does not transgress Art. I, § 8, cl. 3. *Consumers Union of U. S., Inc. v Kissinger* (1974) 165 App DC 75, 506 F2d 136, cert den 421 US 1004, 44 L Ed 2d 673, 95 S Ct 2106.

61. Commerce with Indian Tribes

Whole intercourse between Cherokee Nation and United States is vested in government of United States. *Worcester v Georgia* (1832) 31 US 515, 5 L Ed 483.

Commerce with Indian tribes means commerce with individuals composing those tribes. *United States v Holliday* (1866) 70 US 407, 18 L Ed 182.

Congress has power to exclude spirituous liquors, not only from existing Indian country, but from that which has ceased to be so by reason of its cession to United States. *United States v Forty-Three Gallons of Whiskey, etc.* (1876) 93 US 188, 23 L Ed 846.

It would be very strained construction of commerce clause that system of criminal laws for Indians living peaceably in their reservations, which left out entire code of trade and intercourse laws justly enacted under such clause, and established punishment for common law crimes without any reference to their relation to

Art I, § 8, cl 3, n 61

any kind of commerce, was authorized by grant of power to regulate commerce. *United States v Kagama* (1886) 118 US 375, 30 L Ed 228, 6 S Ct 1109.

Congress may, in exercise of its power of eminent domain, grant right of way through Indian Nation to railroad company, when operation of railroad will have relation to interstate commerce. *Cherokee Nation v Southern K. R. Co.* (1890) 135 US 641, 34 L Ed 295, 10 S Ct 965.

Jurisdiction of United States over Indian Reservations, and power of Congress to provide for punishment of all offenses committed therein, by whomsoever committed, are not open questions, and Congress may provide for punishment of one class of offenses in one court, and another class in different court. *Re Wilson* (1891) 140 US 575, 35 L Ed 513, 11 S Ct 870.

Congress has power to authorize Secretary of Interior to prescribe regulations relating to lease of mineral lands of the Cherokee Nation. *Cherokee Nation v Hitchcock* (1902) 187 US 294, 47 L Ed 183, 23 S Ct 115.

Congress has power to regulate commerce between state and Indian territory. *Hanley v Kansas City S. R. Co.* (1903) 187 US 617, 47 L Ed 333, 23 S Ct 214.

Regulations of Secretary of Interior to collect and enforce annual privilege tax on livestock within limits of Chickasaw Nation owned or held by noncitizens, under act of legislature of Chickasaw Nation, which was approved by governor of said nation and sanctioned by President pursuant to act of Congress, do not violate Constitution. *Morris v Hitchcock* (1904) 194 US 384, 48 L Ed 1030, 24 S Ct 712.

Requirement in agreement with Indian tribe that federal laws relating to introduction of intoxicating liquors into Indian country, for limited period, should be law for lands ceded, retained by or allotted to, Indians, is valid regulation, based on power of Congress to regulate commerce with Indians. *Dick v United States* (1908) 208 US 340, 52 L Ed 520, 28 S Ct 399.

Congress has power to forbid introduction of intoxicating liquor on Indian lands, and to provide punishment for any violation thereof. *United States v Sutton* (1909) 215 US 291, 54 L Ed 200, 30 S Ct 116.

Congress may pass legislation in interest of Indians as independent people, and vary its restrictions upon alienation of Indian lands in promotion of what it deems best interest of Indian. *Marchie Tiger v Western Invest. Co.* (1911) 221 US 286, 55 L Ed 738, 31 S Ct 578.

Indian who is citizen of United States under act of Congress, may be convicted of introducing

intoxicating liquor into his allotment, under another act of Congress. *Hallowell v United States* (1911) 221 US 317, 55 L Ed 750, 31 S Ct 587.

Reservation of authority of Congress to legislate in future respecting Indians in Oklahoma was clearly supportable under commerce clause. *Hooker v Knapp* (1912) 225 US 302, 56 L Ed 1699, 32 S Ct 769.

✓ Congress has power to exclude liquor from lands of Pueblo Indians. *United States v Sandoval* (1913) 221 US 28, 53 L Ed 107, 34 S Ct 1.

Restriction may be imposed by United States as condition upon which purchase of private lands within state will be made for Indian ward, without interfering with authority of state to regulate transfers of land. *Sunderland v United States* (1924) 266 US 226, 69 L Ed 259, 45 S Ct 64.

United States could not appropriate land conveyed to Indian tribe in fee simple, without providing just compensation. *United States v Creek Nation* (1935) 295 US 103, 79 L Ed 1331, 55 S Ct 681, reh den 295 US 769, 79 L Ed 1709, 55 S Ct 911.

Power of government to manage property and affairs of Indians in good faith for their welfare may be exerted in many ways and even in derogation of treaty, but power does not extend so far as to enable government to give tribal lands to others, or to appropriate them to its own purposes, without giving just compensation. *Shenando Tribe of Indians v United States* (1937) 299 US 476, 81 L Ed 460, 57 S Ct 244.

Under provisions of Art I, Sec 8, Cl 3 of Constitution, which give Congress power to regulate commerce with Indian tribes, Congress has authority to control sale of alcoholic beverages on lands located within boundaries of Indian reservation, even though lands are held in fee by non-Indians, and even though persons regulated are non-Indians; Congress may validly delegate to Indian reservation's tribal council Congress' constitutional authority under Art I, Sec 8, Cl 3 to control sale of alcoholic beverages by non-Indians on their fee-patented land located within boundaries of Indian reservations; independent tribal authority over matters that affect internal and social relations of tribal life, which matters include distribution and use of intoxicants, is sufficient to sustain Congress' decision, reflected in 18 USCS § 1161, to vest in tribal councils such portion of Congress' constitutional authority to regulate commerce with Indian tribes. *United States v Mazurie* (1975) 419 US 544, 42 L Ed 2d 706, 95 S Ct 710.

Power of government over Indian lands is plenary, and is political power not subject to control of judiciary. *Cully v Mitchell* (1930,

CA10 Okla) 37 F2d 493, cert den 281 US 740, 74 L Ed 1154, 50 S Ct 347.

Congress may tax income of Indians. *Superintendent Five Civilized Tribes, etc. v Commissioner* (1935, CA10) 75 F2d 183, affd 295 US 418, 79 L Ed 1517, 55 S Ct 820.

United States can maintain action to restrain trespass on Indian lands whether or not it holds title to such lands in trust for Indians. *United States v Colvard* (1937, CA4 NC) 89 F2d 312.

As respects Indian affairs, United States, acting through secretary of interior, is guardian of Indian wards, and in discharge of this duty government acts in proprietary capacity, and its discretion, when exercised in respect to Indian ward, is less limitable than ordinary congressional delegation of power. *Board of Comrs. v United States* (1943, CA10 Okla) 139 F2d 248, cert den 321 US 795, 88 L Ed 1084, 64 S Ct 846.

B. Regulation of Particular Matters, Generally

62. Agriculture

Sales at auction of tobacco most of which is thereafter transported by buyers in interstate or foreign commerce are within power to regulate under commerce clause, as by Tobacco Inspection Act, by establishing standards of type and grade and providing for government inspectors at certain designated warehouses who shall inspect and grade tobacco offered for sale, although such inspection and grading are done prior to sale, and growers are not bound to accept bids for their tobacco and in some instances reject them. *Currin v Wallace* (1939) 306 US 1, 83 L Ed 441, 59 S Ct 379.

Perishable Agricultural Commodities Act of 1930, as applied to dealer buying agricultural commodities in interstate commerce, is constitutional. *Krueger v Acme Fruit Co.* (1935, CA5 Fla) 75 F2d 67.

Agricultural Adjustment Act of 1938 is exercise of power of Congress to regulate commerce; imposition of penalties for violations of marketing quota provisions has for its object fostering, protecting and conserving of interstate commerce and prevention of harm to people from its flow, and it is not charge on property for purpose of raising revenue, although revenue may incidentally arise therefrom. *Rodgers v United States* (1943, CA6 Tenn) 138 F2d 992.

Provisions of Agricultural Adjustment Act relating to control of marketing of products in interstate commerce, with or without marketing agreements, are authorized under commerce clause. *Chapman v United States* (1943, CA8 Mo) 139 F2d 327.

Congress had power to regulate growing of wheat not destined for shipment in interstate

Fund Reservation) and on the basis of the information furnished by the borrowers as set forth in the Field Officer's Application Package.

(10) Applicants who submitted applications that were not funded in previous fiscal years will have to reapply under this year's Field Office Invitations.

(17) 24 CFR 885.410(j) contains a minimum capital investment requirement for Section 202 borrowers. This requirement applies to all section 202 borrowers receiving HUD Field Office approval of an application for a Section 202 Fund Reservation (under § 885.400.) The minimum capital investment (currently established at one-half of 1 percent (0.5%) of the total HUD-approved mortgage amount, not to exceed \$10,000) will apply to all Section 202 projects receiving Fund Reservations in FY 1984. Section 100(b) Seed Money Loan Funds, under 24 CFR Part 271, may not be used to satisfy the minimum capital investment requirement.

Borrowers are invited to submit applications for Section 202 Fund Reservations in accordance with this Notice and with the Part 885, as modified by paragraph (1) of this Notice. Additional information regarding the Section 202 program may be found in 24 CFR Part 885.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations which implement Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

The Catalog of Federal Domestic Assistance Program title and number is 14.157, Housing for the Elderly or Handicapped.

Authority

Section 202, Housing Act of 1959 (12 U.S.C. 1701q); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: December 15, 1983.

Marice L. Barksdale,

Assistant Secretary for Housing-Federal Housing Commissioner.

R Doc. 83-14-100 Filed 12-23-83; 8:45 am
GILLING CODE 4310-02-01

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Presidential Commission on Indian Reservation Economies; Public Hearings and Site Visits

AGENCY: Presidential Commission on Indian Reservation Economies.

ACTION: Notice of meetings.

SUMMARY: This notice sets forth the dates, time and location of forthcoming hearings and site visits of the Presidential Commission on Indian Reservation Economies for January, 1984:

1. January 9, 1984—Hearing

Lincoln Plaza Hotel and Conference Center, Conference Room, 4343 No. Lincoln Blvd., Oklahoma City, Oklahoma 73015. Time: 9:00 a.m.—4:30 p.m.

2. January 10, 1984—Site Visit

Cheyenne-Arapaho Business Committee Concho, Oklahoma

3. January 13, 1984—Hearing

Travel Lodge Convention Center, 3333 E. Van Buren, Phoenix, Arizona 85004. Time: 9:00 a.m.—4:30 p.m.

4. January 17, 1984—Site Visit

Ak Chin Indian Reservation, Maricopa, Arizona, Gila River Indian Reservation, Sacaton, Arizona, Salt River Indian Reservation, Scottsdale, Arizona

5. January 30, 1984—Hearing

Billings Sheraton Hotel, 27 North 27th Street, Billings, Montana 59101

6. January 31, 1984—Site Visit

Crow Indian Reservation, Crow Agency, Montana, Northern Cheyenne, Lame Deer, Montana

The purpose of the hearings will be to receive both oral and written testimony from Indian leaders, Indian businessmen and other representatives from the tribal, public and private sectors concerning the development and sustenance of viable economic enterprises within Indian reservation environments. The site visits will enable the Commission to witness first hand both problems and successes associated with economic and business development on Indian reservations.

Parties interested in testifying at a hearing should present their testimony in writing either in advance of the hearing or at the onsite registration for the hearing. An oral summary of the testimony may be given at the hearing. Those desiring to submit written

testimony and make an oral presentation should submit in writing a brief statement of the general nature of the testimony to be presented, the names and addresses of proposed participants and an indication of the approximate time required to make their presentation. This information should be sent to Tanna Chattin, Director, Office of Public, Tribal and Governmental Affairs, Presidential Commission on Indian Reservation Economies, Suite 765, 1717 H Street, Northwest, Washington, D.C. 20006. Questions regarding testimony or registration procedures may also be directed to Ms. Chattin at (202) 653-2436. The agenda for oral testimony will be completed five days in advance of each hearing.

Any person attending a hearing who has not requested an opportunity to speak five days in advance of the meeting, will be allowed to make an oral presentation at the conclusion of the hearing, if time permits and at the discretion of the Co-Chairman.

FOR FURTHER INFORMATION CONTACT:

Robert Robertson, Co-Chairman, Presidential Commission on Indian Reservation Economies, 1717 H Street, Northwest, Suite 765, Washington, D.C. 20006. Telephone (202) 653-2436.

Robert Robertson,

Co-Chairman, Presidential Commission on Indian Reservation Economies.

(FR Doc. 83-34155 Filed 12-22-83; 8:45 am)

GILLING CODE 4310-02-01

Bureau of Indian Affairs

Indian Tribal Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

December 14, 1983.

This notice is published in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 5 U.S.C. 2 and 9; and 209 DM 8.

Notice is hereby given in accordance with 25 CFR 83.8(b) (formerly 25 CFR 54.8(b)) by the Bureau of Indian Affairs of those Indian tribal entities which are recognized as having a special relationship with the United States. Because of this special relationship, they are eligible for services administered by the Bureau of Indian Affairs. The listed entities are not necessarily eligible for programs administered by other Federal Agencies.

¹ Includes within its meaning Indian tribes, bands, villages, communities and pueblos as well as Eskimos and Aleuts.

- St. Regis Band of Mohawk Indians of New York
 Standing Rock Sioux Tribe of the Standing Rock Reservation, North Dakota
 Stockbridge-Munsee Community of Mohican Indians of Wisconsin
 Stillaguamish Tribe of Washington
 Summit Lake Paiute Tribe of the Summit Lake Reservation, Nevada
 Suquamish Indian Tribe of the Port Madison Reservation, Washington
 Susanville Indian Rancheria of Paiute, Maidu, Pit River & Washoe Indians of California
 Swinomish Indians of the Swinomish Reservation, Washington
 Sycuan Band of Diegueño Mission Indians of the Sycuan Reservation, California
 Table Bluff Rancheria of Wiyot Indians of California
 Table Mountain Rancheria of California
 Te-Moak Bands of Western Shoshone Indians of the Battle Mountain, Elko & South Fork Colonias of Nevada
 Thlopthlocco Tribal Town of the Creek Indian Nation of Oklahoma
 Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
 Tonawanda Band of Seneca Indians of New York
 Tonkawa Tribe of Indians of Oklahoma
 Tonto Apache Tribe of Arizona
 Torres-Martinez Band of Cahuilla Mission Indians of the Torres-Martinez Reservation, California
 Tule River Indian Tribe of the Tule River Indian Reservation, California
 Tulalip Tribes of the Tulalip Reservation, Washington
 Tunica-Biloxi Indian Tribe of Louisiana
 Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
 Turtle Mountain Band of Chippewa Indians, Turtle Mountain Indian Reservation, North Dakota
 Tuscarora Nation of New York
 Twenty-Nine Palms Band of Luiseno Mission Indians of the Twenty Nine Palms Reservation, California
 United Kootenai Band of Cherokee Indians, Oklahoma
 Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California
 Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota
 Upper Skagit Indian Tribe of Washington
 Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
 Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah
 Utu Utu Gwaithi Paiute Tribe of the Benton Paiute Reservation, California
 Viejas Baron Long Capitan Grande Band of Diegueño Mission Indians of the Viejas Reservation, California
 Walker River Paiute Tribe of the Walker River Reservation, Nevada
 Washoe Tribe of Nevada & California (Carson Colony, Dresslerville and Washoe Ranches)
 White Mountain Apache Tribe of the Fort Apache Indian Reservation, Arizona
 Wichita and Affiliated Tribes of Oklahoma
 Winnebago Tribe of the Winnebago Reservation of Nebraska
 Winnemucca Indian Colony of Nevada
 Wisconsin Winnebago Indian Tribe of Wisconsin
 Wyandotte Tribe of Oklahoma
 Yankton Sioux Tribe of South Dakota
 Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona
 Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona
 Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, Nevada
 Yomba Shoshone Tribe of the Yomba Reservation, Nevada
 Yurok Tribe of the Hoopa Valley Reservation, California
 Zuni Tribe of the Zuni Reservation, New Mexico
- Native Entities Within the State of Alaska Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs**
- Akhiok, Native Village of Akhiok
 Akiachak, Native Village of Akiachak
 Akiak Native Community
 Akutan, Native Village of Akutan
 Alakanuk, Village of Alakanuk
 Aleutna Village
 Aleknagik, Village of Aleknagik
 Ailakaket Village
 Ambler, Village of Ambler
 Anaktuvuk Pass, Village of Anaktuvuk Pass
 Angoon Community Association
 Aniak, Village of Aniak
 Anvik Village
 Arctic Village
 Atka, Native Village of Atka
 Atkasook Village
 Atmauthluak, Village of Atmauthluak
 Barrow Native Village (Point Barrow)
 Beaver Village
 Belkofsky, Native Village of Belkofsky
 Bethel Native Village (aka Orutsarmut)
 Bettles Field/Evansville Village
 Birch Creek Village
 Brevig Mission Village
 Buckland, Native Village of Buckland
 Cantwell, Native Village of Cantwell
 Chaikytzik Village
 Chanega (Chenega), Native Village of Chanega
 Chuathbaluk, Village of Chuathbaluk
 Cheformuk, Village of Cheformuk
 Chevak Native Village
 Chickeloon Village
 Chignik, Native Village of Chignik
 Chignik Lagoon, Native Village of Chignik Lagoon
 Chignik Lake Village
 Chilkat Indian Village of Klukwan
 Chilkoot Indian Association of Haines
 Chistochina, Native Village of Chistochina
 Chitina, Native Village of Chitina
 Circle Village
 Clark's Point, Village of Clark's Point
 Copper Center Village
 Craig Community Association
 Crooked Creek, Village of Crooked Creek
 Deering, Native Village of Deering
 Dillingham, Native Village of Dillingham
 Diomed, Native Village of Diomed (aka Inalik)
 Dot Lake, Village of Dot Lake
 Douglas Indian Association
 Eagle, Village of Eagle
 Eek, Native Village of Eek
 Egegik Village
 Eklatna Native Village
 Ekuk, Native Village of Ekuk
 Ekwoik Village
 Elim, Native Village of Elim
 Emmonak Village
 Eyak Native Village
 False Pass, Native Village of False Pass
 Fort Yukon, Native Village of Fort Yukon
 Gakona, Native Village of Gakona
 Galena Village (aka Loudon Village)
 Gambell, Native Village of Gambell
 Golovin, Village of Golovin
 Goodnews Bay, Native Village of Goodnews Bay
 Grayling, Organized Village of Grayling (aka Huliachuk)
 Gulkana Village
 Healy Lake Village
 Holy Cross Village
 Hoonah Indian Association
 Hooper Bay, Native Village of Hooper Bay
 Hughes Village
 Huslia Village
 Hydaburg Cooperative Association
 Igigiug Village
 Iliamna, Village of Iliamna
 Inupiat Community of the Arctic Slope
 Ivanoff Bay Village
 Kake, Organized Village of Kake
 Kaktovik Village of Barter Island (aka Barter Island)
 Kalskag, Village of Kalskag
 Kanatak, Native Village of Kanatak
 Karluk, Native Village of Karluk
 Kasaan, Native Village of Kasaan
 Kasigluk, Native Village of Kasigluk
 Kenaitze Indian Tribe
 Ketchikan Indian Corporation
 Klana Village
 King Cove Village
 King Island Native Community
 Kipnuk, Native Village of Kipnuk
 Kivalina, Native Village of Kivalina
 Klawock Cooperative Association
 Knik Village
 Kobuk Village
 Kokhanok Village
 Kongiganak Native Village
 Kotlik, Village of Kotlik
 Kotzebue, Native Village of Kotzebue
 Koyuk, Native Village of Koyuk
 Koyukuk Native Village
 Kwethluk, Organized Village of Kwethluk
 Kwitlingok, Native Village of Kwitlingok
 Kwinhagak, Native Village of Kwinhagak (aka Quinhagak)
 Larsen Bay, Native Village of Larsen Bay
 Levelock Village
 Lime Village
 Lower Kalskag, Village of Lower Kalskag
 Manley Hot Springs Village
 Manokotak Village
 Marshall, Native Village of Marshall (aka Fortuna Ledge)
 McGrath, Native Village of McGrath
 Mekoryuk, Native Village of Mekoryuk, Island of Nunivak
 Mentasta Village (aka Mentasta Lake)
 Metlakatla Indian Community, Annette Islands Reserve, Alaska
 Minto, Native Village of Minto
 Mountain Village, Native Village of Mountain Village
 Naknek Native Village
 Napakiak, Native Village of Napakiak
 Napaskie Traditional Village

REC'D OCT 14 1983

A follow-up to last month's audioconference on powers of municipalities and traditional/RA Councils: the Village of Chalkyitsik has taken another step in the long complicated process of getting its own liquor ordinance reorganized under Federal law. The text of the ordinance, as approved by the Secretary of the Interior, was published in the Federal Register (below).

71378

Federal Register / Vol. 48, No. 93 / Thursday, May 12, 1983 / Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Village of Chalkyitsik, Alaska; Ordinance Prohibiting the Introduction, Possession, and Sale of Intoxicating Beverages

April 27, 1983.

This Notice is published in accordance with authority delegated by the Secretary of Interior to the Assistant Secretary-Indian Affairs by 209 D.M.B. and in accordance with the Act of August 13, 1953, 67 Stat. 586, 18 U.S.C. 1161. I certify that the Chalkyitsik Liquor Ordinance relating to the application of the Federal Indian Liquor Laws within an area of Indian country was duly adopted by the Chalkyitsik Village Council on March 18, 1982. The Chalkyitsik Liquor Ordinance reads as follows:

John E. Fritz,

Acting Assistant Secretary, Indian Affairs.

Code of Village Regulations

Chalkyitsik, Alaska

Chapter 10—Definitions and Scope

10.01 Enabling Action: Pursuant to the authority granted to the Village Council under Article III of the Bylaws of the Village of Chalkyitsik, the village council enacts the following to be the code of village regulations.

10.05 Village Regulations, Purpose: To set forth a code of village regulations that will govern the conduct of people within the boundaries of the Chalkyitsik village townsite so that no infringement will be made upon individual rights or the peace and dignity of the people, the village, and the State of Alaska.

10.10 Village Regulations: Are the rules that all persons shall obey when within the boundaries of the Chalkyitsik village townsite. Regulations shall be enacted by the council to protect the life, property, and welfare of the people and village. New rules may be enacted to the regulations by the council as the need arises.

10.15 Chalkyitsik Village Boundaries: The boundaries of the Chalkyitsik village townsite shall be the boundaries as surveyed and marked by the Bureau of Land Management as shown on the plat marked 'Chalkyitsik Townsite'.

10.20 Village Council: For the purpose of these regulations, the village council shall mean the council members as provided under Article VII of the Bylaws of the Village of Chalkyitsik.

10.30 Village Member: A village member shall be as defined under Article IV of the Bylaws of the Village of Chalkyitsik and shall include all stockholders of the Chalkyitsik Native Corporation.

10.40 Village VPSO: For the purposes of these regulations, the Village Public Safety Officer shall be a person appointed or so designated by the village council, and shall serve at the pleasure of the Council.

10.50 Dry Village: A dry village shall mean that no alcoholic beverages shall be transported to, sold, or consumed by any person or persons within the boundaries of the Chalkyitsik village townsite.

10.55 Alcohol, or Intoxicating Beverages: Shall include all forms of alcohol or intoxicating beverages which are manufactured, sold, and commonly used for human consumption.

10.60 Hallucinogenic Drugs and Substances: Shall include all those drugs and substances which are illegal under state and federal laws.

10.65 Possession: Possession shall mean on his person, under his control, or on his property. It shall also mean on her person, under her control, or on her property.

10.70 Weapons: Weapons shall mean all high powered rifles, shotguns, hand guns, and knives, or any other instruments that are dangerous when used against or to the disadvantage of any person or persons.

10.75 Surface Vehicles: Surface vehicles shall include all motor vehicles driven within the boundaries of the Chalkyitsik village townsite.

10.80 Speed: Shall mean the rate of motion of any surface motor driven vehicle within the boundaries of the Chalkyitsik village townsite.

10.85 Summer Months: Shall be from the last day of school in the spring to the first day of school in the fall.

10.90 Minors: Shall include all persons under the age of eighteen (18).

Chapter 20—Liquor Control

Purpose of this regulation is to provide for a dry village as clearly mandated by the people in the form of a petition against the drug and alcohol abuse and the resulting disorder and problems which occur as a direct result of such abuse.

20.01 Regulation: No person or persons will transport to, or cause to be transported to the Village of Chalkyitsik intoxicating liquor for the purpose of selling or consuming such intoxicating liquor within the boundaries of the Chalkyitsik village.

20.05 Possession: No person or persons will possess by consumption or otherwise intoxicating liquor within the boundaries of the Chalkyitsik village.

20.10 Complaints and Enforcement: This chapter shall be enforced as a civil matter under Sec. 90.20 of this code. In addition, to village enforcement of this chapter, a person unlawfully introduces, possesses and/or sells intoxicating beverages contrary to 18 U.S.C. § 1161 (or any subsequently enacted law relating to federal regulation of intoxicating beverages in Indian country) by

(a) introducing, selling or possessing intoxicating beverages within the Indian country of the Village of Chalkyitsik contrary to this chapter, and

(b) such a determination is found pursuant to the tribal judicial code, and

(c) said person fails to comply with duly entered tribal court order.

The First Chief of the Village of Chalkyitsik is hereby authorized to request federal enforcement of 18 U.S.C. § 1161 (or any subsequently enacted federal regulation of intoxicating beverages in Indian country) in the event that this section is violated.

Certification

I, James Nathaniel, Sr. hereby certify that the Code of Village Regulations revised and approved by the Chalkyitsik Village Council at a duly called meet of this 17th day of January, 1983.

James Nathaniel, Sr.,

1st Chief.

Attest: Robin Thomas.

(FR Doc. 83-12097 Filed 5-11-83; 8:48 am)

BILLING CODE 4310-02-M

Villager-to-Villager Alcohol & Drug Action Committee

Resolution # 83-01

RESOLUTION ON STATE ASSISTANCE TO ENFORCE TRIBAL LAWS

WHEREAS, the Villager-to-Villager Alcohol & Drug Action Committee represents the village people of the Norton Sound & Bering Straits Region of Alaska; and

WHEREAS, the Villager-to-Villager delegates have met together for the purpose of sharing unique ideas and solutions to unique alcohol and drug problems; and

WHEREAS, we as Native Alaskan villagers have experienced personally the destruction of our values and traditions as a result of alcohol and drug abuse; and

WHEREAS, we as aboriginal people have existing tribal governments with the authority to adopt codes of ethics and other tribal laws which will provide for the health and welfare of our people; and

WHEREAS, we are also citizens of the United States and the State of Alaska and thereby have the rights of protection under the laws of the Nation and State; and

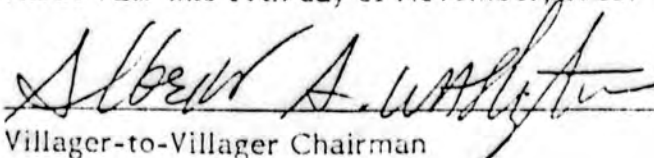
WHEREAS, due to the isolation of our villages and limited public resources, we do not have the benefit of routine enforcement of tribal laws, so made; and

WHEREAS, the State of Alaska has existing law enforcement resources serving our villages, and has the authority to assist tribal governing bodies in enforcement of federally recognized tribal laws;

NOW THEREFORE BE IT RESOLVED that we, as concerned Native Americans and citizens of Alaska, strongly recommend that the State of Alaska adopt a policy allowing State Troopers and Village Public Safety Officers, at the request of tribal governing bodies, to be deputized to assist in enforcement of federally recognized laws enacted by such tribal bodies.

INTRODUCED this 11th day of November, 1983.

ADOPTED this 11th day of November, 1983.


Villager-to-Villager Chairman

Villager-to-Villager Alcohol & Drug Action Committee
c/o NSHC Comprehensive Alcohol Program
P. O. Box 966 * Nome, Alaska 99762 * 443-5411

11 November 1983

TO THE VILLAGE STORE MANAGERS:

The Villager-to-Villager Alcohol & Drug Action Committee is composed of delegates from each village in the Norton Sound and Bering Straits Region of Alaska. We meet together annually for the purpose of sharing unique ideas and solution for unique village alcohol and drug problems. At this fifth meeting of our committee, we have heard expressed a concern about two areas of potential hazards to our young people which we feel you can help prevent in a meaningful way.

First, there exist many items for sale in the village stores which contain alcohol and other drugs that can harm our children. These include cold remedies, cough syrup, mouthwash, flavoring extracts, tobacco products such as cigarettes and snuff, diet aids, sleeping aids, and other over-the-counter drugs. While we appreciate your efforts to provide a wide variety of products, and recognize the legitimate use of these items, we have reason to believe that some children purchase these items for personal use, which is in fact mis-use or abuse of the products. Therefore, we encourage you to establish a policy to control the sale of such merchandise to minors and to be alert to the potential for children to mis-use or abuse them.

Second, we are distressed at the methods employed by many manufacturers to induce product sales. Candy, gum, and other children's products which are packaged or shaped to resemble tobacco, alcohol, or drugs, can encourage future use and abuse of alcohol and drugs by glamorizing the need for such mind-altering substances. We would prefer that candy and gum products sold in the village stores be the brands which look like standard confections, rather than those which mimic falsely-sophisticated adult drug-containing products. Therefore, we urge you to not re-supply such items and replace them with more conventional products for sale to our children.

We wish to assure you that we do not want to reduce your profits or discourage sales. Rather, we would willingly endorse or assist you in product selection to identify items which have the least risk of harming the health of our children and which will not contribute to future substance abuse problems among our people.

Thank you for your consideration.

Respectfully,

Albert S. Washito, Chairman
The Officers & Members of the
Villager-to-Villager Alcohol & Drug Action Committee

Jury selection in McGee's arson case should come to an end Friday.

U.S. District Judge William B. Enright today questioned prospective jurors one by one to see whether they have been affected by press coverage of the \$4 million arson which destroyed the popular restaurant Oct. 15, 1979.

Jurors who pass muster today will come back for a final appearance at 9 a.m. Friday, the judge said today.

One hour into the questioning today, one juror was excused after he told Enright "I think there may be some guilt there."

But the judge refused to disqualify a woman who said, "You can't help but feel like something happened. It was quite a while after the fire before they put two and two together."

Mark Topel, attorney for defendant Don Burk, asked a widowed prospective juror, "Are you a good judge

dog."

She remained in the jury pool.

One man was absent from the courtroom today but present in the lawyers' minds. He is Don McDaniels, who last week pleaded guilty to conspiring to commit the arson.

Topel asked jurors: "A man accused by the government of a crime has said 'I did it.' Would that indicate to you that any one of the remaining three might be guilty?"

Jurors were asked where they had heard or read about the case and what they remember about it.

The case captured headlines and the public's attention last June when a grand jury charged five local men with conspiring to set the fire.

It remained in the news, winding through delays, dismissals and the decision of two of the original five defendants to plead guilty and testify for the government.

chambers Tuesday to see the "restraint" during the trial, which is expected to last three weeks.

Lawyers Tuesday read lists of witnesses which, in the words of one juror, include "names you hear around town."

Among the 50 witnesses who may testify at the trial are:

Margaret Sullivan, wife of Mayor George Sullivan; and local businessmen Arnold Espe, Jerry Wolf, Gary King and Frank Cox; dentist and former state Rep. Joshua Wright, and former state Sen. Cliff Groh.

The list also contained the names of three witnesses who have agreed to testify for the government: Jerry Bernard Greene, Billy Ray Helveston and McDaniel. Greene has pleaded guilty to arson conspiracy. Helveston was not charged.

quities.

The Anchorage Daily News and Kenai Peninsula Newspapers, publisher of the Peninsula Clarion, consolidated separate cases for the appeal to the high court.

The Clarion sued the Kenai City Council when it refused to release names and resumes of applicants for the city manager's post.

A Superior Court judge upheld the Clarion. The city appealed.

The Daily News sued the Municipality of Anchorage when it refused to release the same information about police chief applicants. The newspaper was upheld in Superior Court, and Anchorage appealed.

State Superior Court judges also have ruled in favor of newspapers in Ketchikan and Juneau in lawsuits involving public records access.

Nov. 1980

State invalidates Mekoryuk liquor ban

Associated Press

Juneau — The state attorney general's office has invalidated a vote last month by residents of Mekoryuk, a tiny village on Nunivak Island in the Bering Sea, to ban possession and importation of liquor.

The ballot proposition which Mekoryuk voters approved by a 39-12 vote asked if the "possession and im-

portation" of intoxicating liquor should be prohibited. However, Assistant Attorney General David LeBlond said state law gives local communities the option of banning "sale" and importation but not "possession" and importation.

"The voters approved a proposition which is not a statutory option and therefore their approval is of no

legal effect," LeBlond said in a memo to Patrick Sharrock, director of the Alcoholic Beverage Control Board.

"While the proposition closely resembles the option provided for in (state law) . . . it is not in fact an option allowed by law," LeBlond said.

That means if the city wants to go dry, another election will be required.

LeBlond said that action taken by the 1980 Legislature may have confused Mekoryuk officials. During the final days of the session lawmakers passed two alcohol-related bills that contained conflicting provisions

dealing with local options in liquor elections.

Although Gov. Jay Hammond

signed both bills, the one signed last effectively repealed the conflicting provisions in the former measure, including one section allowing communities to ban possession and importation of liquor, as Mekoryuk tried to do.

Under the new law, communities may select any of several options, but they may not ban possession of liquor.

The options allowed include: banning sale of liquor; banning sale and importation; banning sale unless sold by a special beverage dispensary license or package store operated under a community liquor license; banning sale except by a particular type of license, as approved by voters; and allowing all sales.

Gas line right of way approved

Times Washington Bureau

Washington — In a major boost to the Alaska gas line project, the Senate Energy Committee today approved the Interior Department's request to grant a right of way across federal lands in the state to build the

department can go ahead and grant the right of way.

The committee action came following an agreement between the gas line sponsors and the builders of the trans-Alaska oil pipeline on indemnification in the case of damages during gas line construction. Failure to negotiate this insurance

body had no power to spend funds.

However, under questioning by Justice Warren Matthews, the court some of the com-

Chiei says will end

by Steve Hansen
Times Writer

Anchorage Assemblyman Chiei thinks a new plan ending a long dispute over Eagle River sewer rates.

Tuesday night, Chiei and other 10 Assembly members discussed a plan to charge the board residential users \$9.20 to all municipal sewers and a .5 mill sewer rate out the municipality.

The new plan also connects to the city sewer in Girdwood and Eagle River as under mandatory as under backed by the city administration.

"(The proposal) is tant because they're on Eagle River and \$33 a month," Chiei said Tuesday night.

"I picked up what was left off," he added. "I find a unified service ordinance passes. Eagle River and Girdwood to use sewers will get a break."

Chiei gave his colorful presentation of the ordinance at Tuesday's assembly meeting but did not formally propose the support of Eagle River Assemblyman Gerry O'Connor, an opponent of Rose's sewer plans of the

"Chiei's plan is easy, let's not let O'Connor said. 'It's good. It's for the support of the proposal than the ad-

Chiei said he would comply with the Protection Agency's operation as

Miller certifies initiatives

Associated Press

Juneau — Two proposed initiatives aimed at limiting state spending were certified by Lt. Gov. Terry Miller Tuesday, clearing the way for backers to start collecting signatures.

Nearly 13,000 names will be required to get each of the initiatives on the 1982 ballot.

One initiative would limit state government spending by allowing increases only in proportion to population growth and hikes in per capita income. The state operation would be

Miller would ban the use of state funds for most abortions for low-income women. The proposal would allow state-paid abortions only when a doctor certifies the operation is required to save a woman's life. The initiative is sponsored by an Anchorage-based group called Issue 80.

Miller rejected a second initiative proposed by "Issue 80" calling for Alaska to add its name to the list of states calling for a U.S. constitutional convention to outlaw abortion. Miller said he rejected the initiative based on advice from state lawyers.

Assistant Attorney General

CITY OF MEKORYUK

P. O. BOX 29 - MEKORYUK, ALASKA 99630 - (907) 327-8314

EMERGENCY ORDER

ORDINANCE NO. 85-02

AN ORDINANCE OF THE CITY OF MEKORYUK, ALASKA, REGULATING THE PERSON CONSUMING ALCOHOLIC BEVERAGES.

BE IT ORDAINED AND ENACTED by the City Mekoryuk, Alaska, as follows:

SECTION 1.1 Persons consuming Alcoholic Beverages

Any person who appears and smells of an alcohol in public place shall be in violation of this ordinance. A public places shall mean Stores, Meeting Halls, Movie Theaters, Armory, Post Office, Sidewalks, Roads, Schools, Recreation Hall, or any place where public is present.

SECTION 1.2

Any person with or without Police record who violate Section 1.1 of this ordinance shall be placed into City Jail for period of 12 hours or less, but not less than 4 hours and be fined not to exceed the sum of Five Hundred (\$500) dollars with no suspension. If such fine not yet be paid, person convicted will be placed into community work service at Ten (\$10) dollars per day till such time is completed.

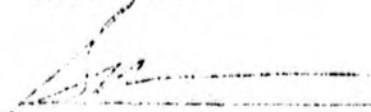
Date Introduced 11/22/85

Date of Public Hearing 11/24/85

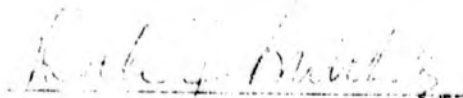
Passed and Approved by the Mekoryuk City Council on this

11th day of NOV 19 85

ATTESTED:



City Clerk



Mayor

Sylvia Elliot, TWC
Bethel

Who we are:

The Tundra Women's Coalition (TWC) is a non-profit organization dedicated to ending family violence of all kinds-rape, threats, beatings--all family violence. TWC began in 1977 as a women's support group and now has grown to a staff of approximately 20 employees and has many community volunteers who work with us.

Who we serve:

Although TWC helps mainly women in crisis, our programs are designed to help men, women, and children. We offer assistance to anyone regardless of race, sex, culture, creed, economic status or age. We serve Bethel and villages in the Yukon-Kuskokwim Delta Area. Our main purpose is to shelter women and their children who have been beaten, raped, or who are afraid and to advocate for them through the medical, legal and law enforcement processes. ~~_____~~

In 1984, TWC provided direct client services to an aggregate total of 697 persons. Of those, 316 were experiencing physical or emotional abuse, 36 were experiencing sexual abuse, 45 were recipients of services through the displaced homemaker's program, and 212 were recipients of WIC (Women, Infants, and Children's program). The shelter provided a total of 4,456 nights of shelter to 221 women and 259 children. Approximately one-half of these women identified a village in the Delta area as their permanent place of residence. Approximately 92-95% of abused clients served through TWC involved alcohol abuse according to our statistics. TWC provided referral and consultation services to 47 women experiencing alcohol problems. 18 of these were referred to Anchorage for inpatient treatment; the remainder were served by TWC and/or local referrals in outpatient care.

From Jan. 1 through Oct. 31, 1985, 462 clients have been served experiencing physical and/or emotional abuse; 29 incest victims; 43 sexual abuse clients. This is an increase of 182 clients served this year in comparison to last year. To date this year, 4,045 shelter nights have been provided for 158 women and 245 children. 108 clients were from villages in our area this year. Statistics still continue to show that 92-95% of the clientele served involved alcohol abuse.

As the Executive Director of TWC, these statistics are absolutely staggering to me. Alcohol abuse, as it pertains to the clients we serve and the program we administer, is the norm rather than the exception! It is not our role at TWC to make decisions about the alcohol abuse issue and what needs to be done. Our area of expertise is domestic violence and sexual assault. Unfortunately, as you can see, there is a direct correlation between the two and our testimony today is added emphasis to how serious and wide spread the problem is! Thank you.